

1845

Presbyterian church in Canada.

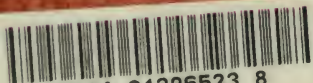
Report... Rev.Principal Liddell
and Rev.John Bayne.

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REPORT

OF THE

DISCUSSION

ON THE LATE

DISRUPTION

IN THE

PRESBYTERIAN CHURCH,

WHICH TOOK PLACE IN

ST. ANDREW'S CHURCH, GALT,

On Tuesday, May 27, 1845,

BETWEEN

The Rev. Principal LIDDELL, D.D.

Of Queen's College, Kingston,

AND

The Rev. JOHN BAYNE,

Minister of the Presbyterian Church of Canada, Galt.

**Taken in Shorthand, and Revised by the
Speakers.**

GALT,

PRINTED AT THE DUMFRIES COURIER OFFICE,
BY B. C. HEARLE.

1845.

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James Hume
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NO event in the ecclesiastical history of modern times has excited more intense interest than the Disruption in the Presbyterian Church of Scotland. For two centuries that Church had been a model of Christian unanimity ; and the influence it had obtained over the conduct and feelings of the people, conjoined with the admirable system of its Schools, elevated the national character to the highest point, with those who thought that virtue and rational piety, conjoined with forethought, diligence, and integrity, were the highest attributes of the human mind.

The circumstances which led to the schism in the Church of Scotland, and to the secession from that Church of a body of its clergy and people, admit, as usual, of being viewed in various ways ; and while they are held, on the one hand, to be sufficient to induce a large party to leave the Establishment, are deemed, on the other, rather the consequences of imprudent proceedings and misdirected zeal, than as reasons for disengaging themselves from the Church into which they had been baptised. These conflicting views have had a powerful influence in Canada, where many of the people reside in remote settlements, and seldom hear the particulars of any case detailed except through prejudiced channels ; and the desire for more authentic details, and to hear the best reasons, from the mouths of the most eminent of their teachers, led to the following Discussion.

The Rev. Principal Liddell being on a visit to Galt, and having conducted Divine Worship in St. Andrew's Church, in that place, on Sabbath, the 18th of May, took occasion to deliver a short history of the events which had led to the disruption in the Synod. The congregation, which included some of the most eminent public characters in the Province, comprised also a number of those who had deemed it their duty to abandon the National Establishment and attach themselves to the Presbyterian Church in Canada. During the succeeding days, the reasons and evidence adduced by Dr. Liddell became the subjects of animated controversy ; and as most of these controversialists had only their own memories and judgments to fall back upon, either as to the precise course of reasoning and evidence Dr Liddell adopted, or for the fittest arguments and facts wherewith to combat them, they led rather to an increase of confusion than to the elucidation of the truth.

Under these circumstances it was suggested, that if Dr. Liddell and the Rev. John Bayne (formerly Minister of St. Andrew's Church, Galt, and now of the Presbyterian Church of Canada in the same place) would meet the people, and give a detail of the principal facts bearing on each side the question, such detail

might lead to greater peace among the people, and better knowledge of the real motives under which they had acted. Some of the inhabitants waited upon the Reverend Gentlemen, soliciting their attendance, to which they assented, and the meeting was advertised to be held on Tuesday the 26th of May, in St. Andrew's Church, Galt, under the presidency of the Rev. James Strang, the venerated Minister of the Secession Church, in the same place.

Long before the hour of meeting, the ground around the Church was crowded with a mass of people from all parts, even from very distant places in the Province; and the interest was intense. A small sum was intended to be demanded from each person on entering the Church; but when the doors were opened, the rush was so excessive that all previous arrangements were set aside, and the Church was instantly crowded in every corner, with upwards of twelve hundred people, forming a most intelligent and anxious congregation.

The Reverend Speakers having taken their places at a table in front of the Precentor's desk, the Discussion began of which the following is a Report. It lasted for upwards of five hours. During the whole of that time, the most devout attention was paid to every word that fell from the Speakers. No symptom of applause or disapprobation,—of weariness or desire to leave—of dissatisfaction or delight at what was uttered,—escaped the audience; but with a solemn composure that denoted the warm interest they had in the subject, the people sat throughout the whole period, absorbed in the arguments.

The interest of the Debate did not cease with the meeting; on the contrary, it appeared greatly to increase; and as a Report of the Discussion had been promised in the ensuing number of the Dumfries Courier, the applications from all parts of the Province for copies were very numerous. It soon became apparent, however, that the extent to which the Report reached, would put it out of the power of the Editor to compress it into even half a dozen successive Newspapers; and he resolved to publish it in the shape it now appears; taking such precautions to insure its correctness, by laying the Notes before the Speakers, as would give it a proper title to authenticity; and having undergone their revision, it is now placed before the public, in the earnest hope, that its contents will tend to the conviction and peace of the people, and the welfare of the Universal Church.

Galt, June 17th, 1845.

REPORT, &c.

The Rev. Mr. STRANG, the Chairman, commenced the proceedings by reading as follows :

“ Ladies and Gentlemen,—It is to be distinctly understood by the present meeting, that it has been called in compliance with a requisition to that effect, respectably signed by members and adherents of the Presbyterian Congregations in Galt, and addressed to the Reverend Mr Bayne and Dr. Liddell, expressly for the purpose of obtaining from the former a friendly explanation of his reasons for dissenting from the Synod of the Presbyterian Church of Canada in connection with the established Kirk of Scotland, and from the latter, his reasons for remaining in connection with that Body. And further let it be clearly manifest, that this meeting takes place upon the very best terms of feeling on both sides, and not on account of any challenge, or other unnecessary formality ; but simply because of an expressed and well-known desire that exists amongst many deeply interested in the question, to hear from the two Reverend Gentlemen before you a calm, plain and straightforward statement of the Truth.

The Rev. Chairman added—

It has been further agreed to limit the Opening Speeches of the two Reverend Gentlemen to an hour and a quarter each, and their Replies, one from each speaker, to half an hour. I have also to state that every manifestation of applause or disapprobation will be immediately checked, by the Speaker stopping, and the disorderly person being expelled ; and if the meeting will not support the Chairman in the exercise of this power, then it will be forthwith dissolved. Let me remind the audience, that they are not here in the quality of judges, nor are they called on to give any opinion ; but they are here as listeners only, anxious to be informed and enlightened on certain great truths which are about to be discussed. In this spirit, and with these cautions, let us pray to have our minds quieted and our hearts illuminated by the Almighty Grace, for which let us humbly address our Saviour in prayer.

The Reverend Gentleman then put up a solemn and affecting petition that the Almighty would vouchsafe his blessing on their meeting, and make it advantageous to all for the elucidation of

truth, and the increase of piety. He then called on the speakers to proceed.

The Rev. Mr BAYNE commenced the discussion.—Mr. Chairman and Brethren, he said, the occasion of our meeting, as you have just heard announced, has been the expressed desire by many of you to hear full explanations, from the mouths of persons deeply interested, of the causes which led to the late disruption in the Presbyterian Church in Canada, in connexion with the Church of Scotland, to hear the reasons which induced me to separate from that Church, and my reverend opponent, Dr. Liddell, to remain in its communion. It has been said, that some persons among us, from ignorance as to the true nature and grounds of the dispute, are unable to make up their minds with which party to ally themselves; and that others, from a like cause, have adopted their party without any true knowledge of the fundamental points on which they have differed. Under these circumstances, the learned Doctor and himself had agreed to appear before them that day, and endeavour to lay as calm, succinct, and intelligible a statement before them, as would enable each man clearly to make up his mind, and render a reason for the important step of adhesion or separation which he had adopted or might hereafter adopt. If any one had come there for a different purpose, —if any one was present with the expectation of witnessing a mere display of intellectual gladiatorship, he would depart miserably disappointed. If any one expected a display of angry feelings, or the angry collision of warm partizans, he also would be disappointed; for such outbursts of feeling or heat were entirely opposed to what he and his brother Dr. Liddell intended, which was, as he had already stated, to enable all who took an interest in the question to make up their minds fully, intelligibly, and as right-thinking and prudent men, and to adopt their course with a sufficient warrant that it was most agreeable to sound sense, the Word of God, and the Doctrines and precepts of the pure Presbyterian Church.

The subject of their discussion was one of the deepest importance. It involved the honour of Christ, and the welfare, purity, and utility of his Church in the Province. It was manifest to all, that both parties, being opposed to each other on essential points, could not be right. One of them must be doing the will of the Saviour, and the other fighting against him; and that they might discover which of the parties was right, and which in error, he entreated his auditors to purge their minds from prejudice, and come to the discussion with the single-minded object of hearing the truth, and acknowledging its power.

The question to be discussed is, Was the late disruption in the

Presbyterian Church called for by a due regard to the honour of Christ, and the duty they owed to their fellow men. He (Mr Bayne) took the affirmative of that proposition, and said it was ; and his reasons for so saying, and acting in conformity thereto were these :—

1st. The Established Church of Scotland had done such things, as had made it the duty of all sound Christians to separate from her communion.

2d. That the Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland has encouraged and assisted the Scottish Church in its sinful course ; and therefore was art and part with her in the commission of those sins ; and that it is the duty of the people here to separate from that Synod.

These were the grounds on which he (Mr Bayne) justified his separation from the Church of Scotland ; and as he should succeed or fail in proving them,—as on the truth or falsehood of these positions, would rest his defence of his own conduct, and the assaillment of that adopted by others,—he would without another word of preface proceed to state the facts by which those positions were to be sustained.

Mr Bayne proceeded to say, that if he should be able to prove that the Church of Scotland had sinned in matters fundamental, and if he also proved that the Synod of the Presbyterian Church in Canada in connexion with her had become art and part in the sin, then it would follow as a matter of course that all who did not separate themselves from her, committed similar wickedness, and did dishonour to the Christian faith and their great Master and Head ; but if, on the contrary, he did not prove those accusations, or his positions were proved to be unsound or untenable, then would he (Mr Bayne) give them up and retract them, admit his error, and do what he could to make amends for it ; and he hoped each of those who had heard him would be ready to adopt a similar course.

First, then, he had to prove that the Church of Scotland had sinned in matters vital and fundamental.

To prove this, he would first lay before the meeting his reasons for asserting, as he now did, that the Church of Scotland had become an Erastian church ; that she had become subject to the State in matters purely ecclesiastical ; and had virtually denied the Headship of the Lord Jesus Christ over his church. These were serious charges, but they admitted of such easy proof, that he had no hesitation in saying the evidence he should adduce would confirm them to the very letter.

The meeting was aware that the disruption in the Scottish

Establishment followed upon the enactment of what had been called the Veto Law by the governing body of that church ; and those who were desirous of making it be believed that the Free Church party were in the wrong, were eager in making and repeating the assertion, that it was the Veto Act itself which was the cause of all the disunion and strife ; that it was illegal, and did not meet the evil it proposed to correct ; and therefore, that the disruption was uncalled for, because of the illegality of the source out of which it had arisen. But he begged once for all to say that this was a delusion,—a crafty and cunning misleading of the judgment ; for the Veto Act had nothing whatever to do with the question. In what way could it be assumed that the passing of an Act of the supreme ecclesiastical court of the Kirk of Scotland before the disruption, could in any way answer the accusation that that church had become Erastian, and denied the Headship of the Redeemer ? The two things had no sort of connexion or reference. Suppose that two parties differed on the doctrine of free grace, and that the minority separated from the majority, alleging that such majority had adopted Arminian doctrines, would it be thought any answer to such an accusation that an advocate should say that the other party were Antinomians ? If such charges were proved, the course for an upright man would be, to leave both parties, and hold fast by the truth ; but the sin of the one formed no justification for the other. When the Kirk was charged with having lapsed into Erastianism, and proof was ready to make good the position, what answer was it to say, that the party making such accusation had passed the Veto Act ? The thing was so manifest an evasion,—so palpably a shift, a device, a quibble, to divert attention from the real matter in discussion, that it never would have been adopted by any but those who were the advocates or defenders of an unrighteous cause, and felt themselves driven into a dilemma out of which they could not be rescued, except by throwing dust in the eyes, and diverting the attention, of those who were anxiously enquiring for the truth. Besides, it was a notorious fact to those who studied the history of this disruption, that it did not take place on the Veto Act at all, but on much higher grounds, namely, the Spiritual Independence of the Church, and the sole right of the Redeemer to reign over his own house ; and under the circumstances, it must have taken place even if the Veto Act had never been passed, and patronage itself had been abolished ; for even then, those who had now gone forth from her would have felt it their duty to abandon a Church which submitted to an interference from the State, incompatible with the great truths of the Gospel and her own constitution. These positions might be clearly proved in a variety of ways,

—by the claim of rights, by petitions to Parliament, and by the discussion on the Hon. Fox Maule's motion in Parliament. But he would prefer establishing his case by the evidence of Doctors Chalmers and Gordon, two men eminent in the Church for their talents, learning, and piety.

Dr. Chalmers thus addresses the inhabitants of Glasgow ;

“ And then as to the possibility of a remedy,—I know something of petty negotiations that are going on about this one measure, and that other clause. Why, the truth is, that the firm wall of circumvallation is now thrown down, and it is not by the erection of a fort here and another there that we can now build up the ruins of so wide an overthrow. A mere non-intrusion measure will not satisfy us, when the Court Session is pushing its pretensions to the overthrow of all our discipline and all our jurisdiction ; and therefore non-intrusion will not satisfy us—the abolition of patronage itself will not satisfy us. We must have an independent power of discipline—we must have an independent jurisdiction in things ecclesiastical—we must have a full and comprehensive measure of adjustment ; and with anything short of that it is impossible to satisfy us.”

“ Sir James Graham enquires what will satisfy us ? Would the ‘rejection of the presentee by the people, and that adjudicated upon by the Presbytery, would that satisfy us ? It never would have satisfied us, although it would have enabled us to remain conscientiously in the Established Church at one time ; and so far we have been satisfied. But it will not satisfy us now. Not because we have risen in our demands, but because the Court of Session have risen in their encroachments. They have meddled with our discipline—they have meddled with our Quoad Sacra churches—they have meddled with our jurisdiction ; and nothing will satisfy us short of this, that adverse civil sentences shall have no other effect than the forfeiture of what the State gives us—and that they shall not invest the Civil Courts with the power of delivering mandates to hinder and interdict the Church in the discharge of any ecclesiastical duty.”

And Doctor Gordon also says—

“ Supposing it were possible, and that we were to receive tomorrow a non-intrusion measure up to all that we ever asked, I cannot see how we would be in the least degree bettered even by that measure. It is now the unquestionable law of the land, that the civil courts have supremacy in matters spiritual. It is now the law of the land that I, as a Minister of the Gospel, if I abide by the Establishment, must give my consent to this principle. It

will not do to say to me, that I might accept a non-intrusion measure and then, in all probability, no new case of collision will arise: I may, indeed, sit down and calculate the probabilities of such cases occurring; and I may come to the conclusion, that for the few years I have to live, not one will occur to molest me. But supposing all this,—supposing not only that there was no probability of such a case arising, but a certainty that it would not, still I cannot now retain the benefit of the Establishment without solemnly giving my consent to the principle, that the civil courts are supreme in spiritual matters. If I am an honest man, it is utterly impossible that I can put forth my hand and take the benefits of an Established Church, which shall consent to take its emoluments on such a condition, if I really and honestly believe that the principle to which I refer is an unscriptural one. And when things are brought to this pass, I hope and trust that none of us will be tempted even to look at a measure which does not set us free from the trammels of the civil courts. I trust that none of us will be so far left to ourselves as to sacrifice the principles for which we have been contending these several years past, for any temporal advantage, or to avoid any personal suffering."

From these extracts it was manifest, that the disruption did not arise from the Veto Act, but, as he said before, from a much higher cause,—the assailment of the Spiritual Independence of the Kirk. The Veto Act might therefore be passed by altogether in that discussion, as totally irrelevant and disconnected therewith.

As, however, he held that the Established Church of Scotland had greatly sinned in regard to the Veto question, the nature and amount of the sin with which that Church was chargeable in the matter of the settlement of her Ministers, would therefore be the first point to which he would direct their attention. It was a constitutional principle of the Church of Scotland, laid down in her Second Book of Discipline, that no Minister should be intruded on any of her churches contrary to the will of the people; and this principle was only expansive of another, namely, that the pastoral relation could only be legitimately founded on the consent of the people,—that the people were free to choose or to reject in this matter,—and no third party was permitted to interfere therein, or to compel a congregation to receive a Minister who was obnoxious to them. That was the great principle on which the relation of pastor and people was founded by the Kirk of Scotland, and nothing could be more consonant with common sense, or the interests of religion. It was true that Acts of Parliament, imposing patronage, passed at various times, militated against that principle; but still the ground on which all true-hearted Presbyterians submitted to these interferences of the civil

power was, that they left the principle untouched, and only, to a certain extent, interfered with the practice ; for as they did not necessarily lead to the intrusion of an obnoxious man on a congregation, they left the fundamental principle of the Church unscathed. The people of Scotland, according to immemorial usage, had what was denominated a right of call in the choice of their Ministers, and in the purest times of the Church that right was exercised in its fullest extent. The principle above referred to was adopted to prevent the possibility of the intrusion of an obnoxious Minister on a reclaiming people, which was an evil so monstrous that only an Erastian Church and an oppressive Magistrate could unite to sanction it ; and he (Mr. Bayne) could positively speak for himself, that if he had believed that the Church of Scotland had not the power to prevent the intrusion of an obnoxious Minister over the heads and the bleeding hearts of a religious people, he would never have been a member of that Church. The design of the Veto Law, then, was merely to enforce this principle of non-intrusion, and to counteract the evils which resulted from the ascendancy of what was called the "Moderate Party" in the Church ; and as so much had been said of that Act, and so much stress laid upon it by the party adhering to the Establishment, and as it was a very short document, he would beg leave here to read it.

The Rev. Gentleman then read the Act as follows :

"Edinburgh, May 29, 1835.—The General Assembly declare, That it is a fundamental law of this Church, that no pastor shall be intruded on any congregation contrary to the will of the people ; and, in order that this principle may be carried into full effect, the General Assembly, with the consent of a majority of the Presbyteries of this Church, do declare, enact, and ordain, That it shall be an instruction to Presbyteries, that if, at the moderating in a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the Church, shall disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly, and due notice thereof forthwith given to all concerned ; but that, if the major part of the said heads of families shall not disapprove of such person to be their pastor, the Presbytery shall proceed with the settlement according to the rules of the Church : And further declare, that no person shall be held to be entitled to disapprove as aforesaid, who shall refuse, if required, solemnly to declare, in presence of the Presbytery, that he is actuated by no factious

or malicious motive, but solely by a conscientious regard to the spiritual interest of himself and the congregation."

That (continued Mr Bayne) was the monstrous Veto Law—a law proposed by Lord Moncrieff, one the most eminent of the Scottish Judges,—approved and sanctioned by the Scotch Law Officers of the Crown ;—its excellence affirmed by Lord Brougham, then the highest law authority in the United Kingdom, but who had since, with his usual versatility, jumped Jim Crow on the question; and which was lauded in the highest terms by the then English Attorney General, now my Lord Campbell. If the Veto Law had any defect, it was that it did not go far enough—that it restricted the veto to the heads of families, instead of giving every member in communion with the Church a right of exercising it. But the Veto Law was not at all palatable to the upper ranks in Scotland,—to those parties who were desirous of turning the Church into a convenient tool for their own purposes. The gentry were opposed to it, because it interfered with their right of presenting the tutors of their children, and other dependants, to vacant benefices, and through their influence the bill of my Lord Aberdeen passed, by which the people are compelled to state their reasons for opposing the settlement of an obnoxious Minister, and all the proceedings following thereon left subject to the controul of the Civil Power. The opposition which has thus terminated, and not the Veto Law, was the cause of the struggle which finally led to the disruption of the Church. The objections to the Bill of Lord Aberdeen were insurmountable. The people are thereby placed in a position totally incompatible with the fundamental principle of their Church. They are required specifically to state their reasons for objecting to a Minister, and the Presbytery, who are to judge of the validity of those reasons, might either reject them, or give them effect, as they thought, proper. Now, nothing could be more delicate than to give specific reasons for the rejection of a Minister. For instance, a plain man, looking carefully at the person nominated as his pastor, might come to the painful conclusion that he was not a regenerate Christian, and that it would be a grievous deprivation to sit under him, inasmuch as he could derive no consolation from his ministrations ; but a thousand of the best and holiest feelings of the human heart would interfere to keep a man silent on such a topic, and thus render his power of rejection totally useless. His second objection to Lord Aberdeen's Bill was, that it left the power still in the hands of the Church Courts to intrude an obnoxious Minister on the people,—a power which even the Courts of the Church ought not to possess ; and his third objection was, that it still left the power in the Civil Magistrate to intrude such a Pastor

over the heads of the people, and in defiance even of the church ; for the civil court had declared, that not only had they the power of forcing a Pastor on the people, however disagreeable to that people ; or however disqualified by conduct or otherwise, but they would hold each member of a Presbytery liable in damages to such a nominee, if they refused to give effect to his presentation. These were the points involved in the Marnoch and Culsalmond decisions,—an assumption of power of the civil over the ecclesiastical body, that awakened the indignation of universal christendom. The Church of Scotland became a party to this monstrous usurpation. She consented—she submitted;—some of her members even hailed the decision as one of christian equity ; and therefore it was that he (Mr Bayne) held that that church had committed a grievous sin, by surrendering all the religious rights of the people under her charge to the power of the civil law.

He came now to the grand charge against the Church of Scotland, namely, that it had become an Erastian church—denying the Headship of the Redeemer, and transferring it to the civil power, and thereby establishing a principle degrading to the Saviour, and obnoxious to the religious freedom of the people. In order fully to understand this charge, it was necessary to refer to the great principle entertained by the Church of Scotland, of the sole Headship of the Saviour, and the entire and absolute independence of the Church in all ecclesiastical matters. It was, he repeated, the great and distinguishing fundamental principle of the Presbyterian Church, that the Lord Jesus Christ had committed to that Church the sole power, controul, and discipline therein, and the office-bearers of that church were held responsible to him alone and not to any human power or institution of mere human origin. In other words, that he has instituted his Church,—organized its government,—enacted its laws,—appointed its office-bearers ;—and as he was the sole Head and founder of the system, so to Him only were those office-bearers responsible in their capacities as such in that church.

No human power then, under a system so constituted, can controul the office-bearers of that Church in the exercise of their spiritual functions. Christ is their Head ; they are to serve and obey him only as their sole Master and Governor ; his people are to obey his laws alone in spiritual things ; and if any secular power should attempt to coerce or controul them in the exercise of their functions as the freemen of their Lord and Saviour, that power is thereby attempting to assume the prerogatives of the Almighty and to wrest the power of government from the hands of the Lord Jesus Christ. Moreover, not only could no one interfere, nor any

institution intrude between the Head of the church and his people, but the church itself, or any number of its office-bearers, were not at liberty to lay down or abandon any of the privileges it enjoyed ; and if the Church should so far forget her duty to her Lord and Master as to permit or sanction any interference with her direct powers and allegiance, then did she become a traitress, and practically denied the sole Headship of the Redeemer.

Applying these principles to Establishments, it was manifest that no Church could remain true to her principles and allegiance, unless in her connexion with the State to which she is attached, she was permitted to exercise, untrammelled and unfettered, the full powers and functions committed to her by her Great Master.—Cæsar, or the civil power, may take away what he gave, but nothing more. He gave stipends, manses, and glebes, and he may take them away again ; but he gave not the power of governing and regulating the Church of Christ ; and therefore, without rebellion against the King of Kings, he cannot take it away. These were the principles on which the Church of Scotland was founded ; as they would be found well laid down in the following extracts from the Memorial of the Convocation of Ministers of that Church to Sir Robert Peel :—

“ According to the doctrine of the church of Scotland, in this matter, the Church and the State, each in its own sphere, is, and must be, under all circumstances, supreme. It is true, that being equally ordinances of God, and having certain common objects, connected with His glory and the social welfare, the Church and the State may, and ought to unite in a joint acknowledgment of Christ, and in the means and resources belonging to them respectively, for the advancement of his cause. But while the church, in this manner, may lend her services to the State as the State may give its support to the Church, each still remains supreme as before. Thus, on the one hand, in regard to the church,—She has received her power of internal (spiritual) government directly from her Divine Head, and she must, herself, at all times, exercise the whole of it, under a sacred and inviolable responsibility to Him alone ; so that she has no power to fetter herself,—by a connection with the State or otherwise,—in the just exercise of any part of her spiritual functions. And, in like manner, in regard to the State,—the same is true, on the same grounds, and to the very same extent, as respects its secular sovereignty,—including therein whatever it is competent for, or binding upon, the State to do, *sicra sacra*, or in relation to the church. Its entire secular sovereignty, and whatever is therein included, the State holds, directly and exclusively, from God,—

being the ordinance of God appointed in that behalf ; and it may not divest itself of any part of that sovereignty, but is bound, at all times, to exercise the whole of it, under its direct responsibility to God. Nor is this view of the supremacy of Church and State, each in its own sphere, attended with any practical difficulty ; for the sanction with which each enforces its authority being not less different than their several spheres are distinct, both may fully vindicate their authority without the slightest risk of direct or injurious collision.

“The result of these principles is, that while it may be the duty of the Church and of the State to prompt and exhort, each of them the other, to the right discharge of its proper functions,—it must be equally incompetent for either of them to usurp authority, in any matter that falls under the peculiar province of the other ;—so that neither may the State assert dominion over, or compel, the church, in the discharge of her appropriated spiritual functions, nor yet may the church compel the state, or resist its authority, in anything falling under its secular dominion. If the state, therefore approves of the church, it will confer upon her the endowments and other immunities of an Establishment ; and the happy result of this concurrence between them will be eminently to promote the objects of both ;—each party, however, still in its own province, remaining, of necessity, as free in reference to the other as before, and the church still proceeding unfettered in the exercise of her entire spiritual government. If, again, the state should disapprove of the church’s proceedings,—it cannot, indeed, coerce or punish her in respect of her actings within the spiritual province,—but it may, if it thinks necessary, either wholly or partially, withdraw the endowments and immunities of the Establishment, (the disposal of which fall within its proper controul ;) and the church is bound to submit to its determination in these matters, leaving, of course, the responsibility with the state, to whom it exclusively belongs.”

* * * *

“This, accordingly, has been the view of the constitution taken by the civil courts, down to the present time. Thus, as early as 1735, the Court of Session adjudged that “the right to the stipend is a civil right ; and therefore that the court have power to cognosce and determine upon the legality of the admission of ministers, to this effect,—whether the person admitted shall have a right to the stipend or not.” And when, in 1749, the court was asked to interdict a Presbytery from proceeding to admit, as minister of a parish, another person than the patron’s presentee, they unanimously refused,—“because” that was interfering with the power of

ordination, or internal policy of the church, with which the Lords thought they had nothing to do." The same principle was invariably adhered to in numerous other cases ; and Lord Kaimies, in a formal Treatise on the Jurisdiction of the Courts, lays it down as the unquestionable law, that Presbyteries and the church judicatories are supreme in the matter of the settlement of ministers,—“ their sentence being ultimate, even where their proceedings are illegal,”—or contrary to the obligation expressed in relation to them in the statute ; the only “check (as he states) provided by law being, that a minister, so settled illegally, shall not be entitled to the stipend,”—an arrangement which, he adds “happily reconciles two things commonly opposite,” viz., the necessary freedom of the church, and a competent regard to the civil interests of patrons.”

Such (continued Mr Bayne) *was* the constitution of the Church of Scotland ; but what was it now ? The very opposite. It had given up its independence in things spiritual and ecclesiastic. It had given up to the State what Christ had committed to the Church alone, and thereby denied the sole Headship of Him from whom all her powers were immediately derived. To prove these positions it would be necessary to refer to the claims of the Civil Courts ; to the action of the Government on these claims ; and to the action of the Established Church in regard to the new powers claimed by the Courts of civil law, and sanctioned by the Imperial Legislature ; and if the charges were satisfactorily made out, the accusations against the Established church would then be admitted to be fully proved.

He would therefore attempt to prove—

1st. That the Civil Courts in Scotland had claimed and been permitted to exercise the right of ordering and punishing the Church Courts in regard to their functions in the ordination of Ministers.

2d. That these Civil Courts also claimed, and the claim had been admitted by the Kirk, the power of interdicting and setting aside sentences of *responsiam* and deposition pronounced by the Church.

3d. That they had claimed the right of conferring the power of performing spiritual functions on parties not recognized by the Church.

4th. That they had also claimed and exercised a right of altering the Composition of the Church Courts.

5th. That they claimed the right to interfere in preventing the Church from giving proper pastoral superintendance to her own people.

If these charges were proved, there would be no longer any hesitation in deciding whether or not the Church of Scotland was an Erastian Church. And then for the proof.

What was ordination? Was it any thing other than a spiritual matter, whereby, through a visible sign, a person was set apart and dedicated to the Ministry, and to become an office-bearer in the service of his Great Master? What was Deposition, but the power of the Keys, which the great Head of the Church had vested in those who were called to hold office under him? What were Church Courts, but assemblages of such office-bearers, so set apart and ordained, administering the laws laid down for their guidance by the Head of the Church. If these powers and their exercise had been interfered with by the Civil Courts, and such interference submitted to and sanctioned by the Church of Scotland, would anything more be required to prove that that Church had lapsed into Erastian heresy, by giving up and abandoning a power which Christ had committed to the Church alone, to another and conflicting body?

First, then, as to the settlement of Ministers. In the case of the Parish of Marnoch, the Civil Courts issued an injunction to the Presbytery of Strathbogie to proceed with the settlement of a presentee who was obnoxious to the great body of the people of that parish; and in the Auchterarder case, the Civil Court held the majority of the Presbytery liable in an action for damages as for a civil wrong, in refusing to proceed with the settlement of a Minister whom the people had rejected. Were these not interferences of the civil courts in things purely spiritual? In the case of the Presbytery of Strathbogie a part of that body had first been suspended and then deposed for conduct inconsistent with the principles and fealty of the Church; but the civil law immediately interfered in their behalf, and, in spite of the Church, and its office-bearers, decided that they were entitled to hold their places, and set the Church and its powers at defiance. Was that not interfering in ecclesiastical matters?—was that not wresting the Keys from the hands of our Saviour, and transferring them to a civil magistrate?—

The Chairman here intimated that the Reverend Speaker had exceeded his allotted period for addressing the meeting; but being in the midst of his argument, on receiving the assent of Dr. Liddell, he continued his address.—

I regret (said Mr Bayne) having occupied your time more fully than your regulations permitted; but the importance and complication of the subject, from its extensive ramifications, have compelled me to be more diffuse than I intended. However, what I

have now to say shall be condensed into the smallest possible compass ; and if I fail fully to illustrate any point to the satisfaction of the meeting, I earnestly trust they will impute such failure to the briefness of the time, and the intricacy of the subject, rather than to the deficiency of evidence, or want of such proofs as would make the conviction irresistible, that the Church of Scotland had abandoned and traiterously given up the Headship of the Lord Jesus Christ, and had transferred his authority to the civil courts of the country. In the case of the Presbytery of Dunkeld the courts of law had conferred on the minority of that body the right of settling a minister, opposed to the wishes of the people, and opposed by a majority of their own body. In the Quoad Sacra districts, the civil courts had declared that Ministers having a cure of souls, and exercising all the duties of Parish Ministers in the districts to which they were set apart, were yet unfit to sit in the church courts, and all sentences or proceedings they joined in were, for that reason, worthless and inoperative : and in the case of a person named Livingstone, who had been convicted of theft, and was therefore sentenced to be deposed from his ministerial office—although that conviction proceeded on his own confession, and the theft was neither attempted to be extenuated or atoned for—yet the man so convicted and deposed was, not on account of any extenuating circumstance or expression of remorse or repentance, but simply because one of these Quoad Sacra Ministers sat among his judges,—was declared by the civil courts to be entitled to exercise all the functions of the ministry, and to do all things proper to the ministerial office, including the administration of the sacraments !

After such a detail as that, would it be for a moment denied that the civil power had usurped the powers of the Redeemer—and not only usurped, but set them at naught—treated them with marked contempt and indignity—held them up as unjust and unlawful, and declared them impotent ;—and all for the protection of a thief, and the restoration of a degraded and unrepentant man to the functions of the holy Ministry ! Was that—was even that—the extreme point of their usurpation ? Far from it. They issued their interdicts, implying that only such persons as they sanctioned, should be admitted to sit in the courts of the church, or take part in her deliberations. So that, having divested the church of the power to regulate her own proceedings—to judge of the religious qualifications of those aspiring to be her office-bearers—having declared her incompetent to prevent the settlement of an obnoxious Minister, and liable in damages for using the powers of the church for that end ;—having issued their decision that those

whom the church loosed should be bound, and those whom she bound should be free ;—they next declared that the composition of the Church Courts was a matter of which they alone were the judges, and that none should take a place therein without their sanction and approval—without bowing down and acknowledging the supreme power of the State over the Redeemer's church. And these (continued Mr Bayne) were no proofs, it would appear, of the apostacy of the Church of Scotland, or of her Erastian submission to the civil power in matters ecclesiastical ! No proofs ! Why, if time permitted, I could multiply those proofs fourfold, not from argument, or deduction, or popular facts, but from the records of those very courts which have claimed and exercised the usurped dominion which the Free Church denounces, and from the records of the degraded Establishment. Those who now constitute the Free Church—those who have left the ancient Establishment because of her truckling and crouching, and abandonment of her rights—those who have deemed it better far to renounce manses, and glebes, and stipends, and station, and to throw all to the winds rather than concede the liberties of the christian people, and submit to Erastian bondage—those who have abandoned their earthly all for the glory of their Almighty Head, and come forth from an enslaved and degraded church, to partake of the honour and blessedness which as Christ's freemen they now enjoy,—they alone, during all these contests with the civil powers, proved faithful to Christ, and stood up for the rights of the people, and the privileges of the church of their fathers. Those now within the Established Church fell down prostrate before the State, and consented to submit to all its usurpations for the sake of its emoluments and connexion. The perfect submission of the Establishment to all these usurpations and encroachments, was the only condition upon which the Church of Scotland was permitted to retain her emoluments, and to these terms has she submitted. She had now put her neck under the heel of the civil power—she had become the slave of the state, and sold her birthright for a mess of pottage. She had denied the Headship of the Redeemer, abandoned his sway, and transferred her allegiance to frail and prejudiced men. She had cast away her ancient constitution, her distinction and glory, and sworn allegiance to tyranny and oppression. She had counselled submission, where she should have enjoined opposition ; and she had shown the example of crouching imbecility, where she should have been the beacon-light of manly courage and christian fortitude. And standing forth as she does, a traitress to her constitution, her doctrines, her people, and her Head, she deserves the reprobation of every faithful christian, and

every true-hearted Presbyterian ; and her conduct calls aloud on all within her pale to come out from her, and have no more to do with her.

The other great branch of the argument, in vindication of the disruption, yet remained to be considered, namely, that as it was the duty of the people of Scotland to leave the Kirk, so was it equally the duty of the people of Canada to leave the Synod ; but the time (said Mr Bayne in conclusion) will not permit me to enter upon it now. Another opportunity will arise before this meeting closes, when this important part of my subject shall not be forgotten.

Mr Bayne then sat down, and the Chairman called upon Dr. Liddell.

The Rev. Dr. LIDDELL now rose to commence his address. Cordially agreeing, he said, in all that his rev. friend, Mr Bayne, had stated, as to the motives which induced him to become a party to the holding of the meeting, and also in the principles on which the discussion was to be conducted, he would, without one word of preface, proceed to give as plain, intelligible, and brief an explanation as possible of the points in dispute, and which had led not merely to a secession from the Church of Scotland, but to a separation from the Synod in Canada in connexion with that church.

The Church of Scotland was founded on the principle of an Establishment, which meant neither more nor less than the recognition by the Church of the Civil Magistrate as the servant of Christ and protector of the Church ; and the recognition of the Church by the State, as the means for disseminating throughout all the land the Gospel of the Grace of God. That principle was contradistinguished from the Voluntary principle, by which is meant, that the civil magistrate ought to have nothing to do with the church of Christ at all ; that the church, as the servant of Christ, is powerful enough of herself to resist all the encroachments of her enemies ; and that any interference with her by the civil magistrate, is fitted only to weaken and deface her.

The church of Scotland, adopting the former of these principles, became a branch of the church of the Reformation, which took place about the middle of the sixteenth century ; and the first General Assembly of her office-bearers was held in the year 1560, when the subordinate standards of her doctrine and practice were

framed, which were to regulate her future proceedings as a church, and her connexion and intercourse with the state. These standards were denominated subordinate, in relation to the Bible, which alone is the supreme standard on which the faith and practice of all churches are grounded; and the object of framing those subordinate standards was, that the civil rulers of Scotland and all the world might know what doctrines the church of Scotland held; what principles she professed; and what line of conduct she meant to pursue both in regard to the civil magistrate and to her own people. These subordinate standards consisted of a Confession of Faith, or a systematic arrangement of the doctrines which the church held and taught; and of the First and Second Books of Discipline, which lay down distinctly what are the principles on which the church was to conduct her worship and discipline; what the state was expected to do in her capacity of Nursing Father of the church, under the recognised authority of Christ, the common Head and Lord of both. And in reference to the mode in which qualified Ministers should be placed in vacant parishes, the office-bearers of the church laid down the following laws, which, in order that he might be both brief and accurate, he would read in their own words as follows:—

“Vocation or calling is common to all that should bear office within the kirk, which is a lawful way, by the which qualified persons are promoted to any spiritual office within the kirk of God. Without this lawful calling it was never leisom to any person to meddle with any function ecclesiastical.”

“Election is the choosing out of a person or persons, most able, to the office that vakes, by the judgment of the eldership, and consent of the congregation, to which the person or persons shall be appointed.”

“In the order of election is to be eschewed, that any person be intruded in any offices of the kirk, contrary to the will of the congregation to which they are appointed, or without the voice of the eldership.”

Such was the law of the Church as respected the rights of the people in the choice of their Ministers. Before he closed the book, he would read another extract, bearing on another branch of his argument, to which he would refer by and bye :

“The civil power should command the spiritual to exercise, and to do their office according to the word of God ; the spiritual rulers should require the Christian magistrate to minister justice and punish vice, and to maintain the liberty and quietness of the kirk within their bounds.”

“The magistrate neither ought to preach, minister the sacraments, nor execute the censures of the kirk, nor yet prescribe any rule how it should be done, but command the ministers to observe the rule commanded in the word and punish the transgressors by civil means. The ministers exercise not the civil jurisdiction but teach the magistrate how it should be exercised according to the word.”

He would now return to his former line of argument. The extracts first read warrant the belief which he (Dr. Liddell) cordially entertained, that one of the principles of the Church of Scotland was, that the settlement of ministers should be a power remaining somewhere *in* the church, and not *out* of it ; that calls, were exercises of the free uncontrouled will of the people, made in the choice and selection of their ministers ; and that patronage, or the right of presentation by other persons than those members of the congregation in full communion with the kirk, was discordant with, and contrary to, the great and original principles whereon the Kirk of Scotland was founded ; and farther, that in accordance with such avowed principle, it was the uniform and continuous practice of the kirk, down to a very recent period, to crave from the state the abrogation of the right of patronage, and that the practice might be made to accord with the principle. Patronage was therefore not a necessary or essential part

of the constitution of the Church of Scotland. On the contrary it was an excrescence which, at the Reformation, and from that great event downwards, the state was continually petitioned to do away. He [Dr. Liddell] therefore in looking at the Word of God and the statutes of the church, was warranted in affirming, that the practice of interfering with the settlement of ministers by patronage, was repudiated by the Church of Scotland, and was contrary to her fundamental constitution.

So much for the principle of the constitution of the Church of Scotland on this point. The practice of the church, during the better part of her history, was entirely in accordance therewith. During the long and stormy period from 1560 to 1690, the Church of Scotland held fast by this great principle, and during portions of that time she was relieved from patronage altogether, whilst at other times she was found remonstrating against its exercise, and craving that it might be abolished. From 1690, or the period of the Revolution, down to 1712, the manner of appointing Ministers to vacant congregations was as follows : The heritors and elders were, by the Revolution Settlement, appointed the parties to nominate or propose a qualified person to be the minister of a vacant congregation or parish. The heritors, at that time, were almost entirely members of the Church of Scotland, and on the day of moderating in a call, the heritors and elders proposed a Probationer or Minister to be the Minister of the vacant parish, and if the congregation approved of him, they gave him a call, thereby approving of the choice made by the heritors and elders ; and then the parties laid the call before the Presbytery, who were the sole

judges of the attainments and qualifications of the person so nominated ; and if they were satisfied on these points, the Minister was ordained or inducted. But if, on the contrary, a majority of the congregation did not approve of the man chosen by their heritors and elders, they laid their reasons for such disapproval before the Presbytery, who decided upon their validity, and either settled or rejected the Minister as they thought right ; but in all such cases of opposition to a settlement, they required that the reasons for such disapproval should be laid before them, upon the principle, that a man in this most essential matter, as well as in every other action of his life, ought to be able, and required, to render a reason for his conduct.

In the year 1712, during the reign of Queen Anne, the above method of election or choice of Ministers was unhappily superseded by Act of Parliament, and instead of the power being left in the hands of the heritors and elders, subject to the call of the people, it was transferred to a class of persons called Patrons, who exercised it entirely as a civil right. The Crown is the patron of about one-third of the parishes of the Church of Scotland—the remaining two-thirds being held by private individuals or corporations.

Cordially did he (Dr Liddell) agree in every word of condemnation which had been used respecting the enactment of 1712, restoring patronage. It has been held, and justly, by all who have

studied the constitution of the Church and State of Scotland, as an unrighteous infringement on the Treaty of Union with England. From the time of the passing of that law in 1712, down to 1784, the Church of Scotland every year lifted up her voice against this unwarrantable Act in strong language, and waited only a favourable opportunity to have it abolished.

There was a phrase used by Mr Bayne in his address, which, as it would occur probably pretty often in the subsequent part of their proceedings, he (Dr Liddell) would explain. The phrase was "the reign of Moderatism." The name "Moderates" was originally used as a nickname, and afterwards to designate a party in the church who were averse to extreme statements of the doctrines of the Gospel, and extreme severity in the enforcement of discipline on the office-bearers and members of the church. There was another party also in the church, which was called the Evangelical or popular party; and these two parties were generally found opposed to each other in the church courts, when any of the above subjects were under discussion:—the Evangelical party generally referring to, and acting upon, the original constitution of the church; and the Moderates putting up with, or sanctioning, such innovations on her ancient constitution, as the lapse of time, or expediency, or the usurpations of power, had indicted upon her. In 1784, this latter party gained a decided ascendancy in the church courts, and from that period down to the year 1833, not another word was heard from the Church of Scotland in opposition to patronage. Not only did the Church in that interval become Moderate, but over the whole Nation there was seen to rise, gradually but surely, a tide of luxury, immorality, and infidelity, against which the good men in the Establishment, and in the various bodies of the Secession, lifted their voice of admonition and warning in vain. The nation and the church in common were, in fact, over run with Moderatism; and genuine piety, and respect for the ancient standards, experienced a manifest decline. In the year 1833, the General Assembly's table was covered with petitions from almost every parish in Scotland, praying the Assembly to renew the Church's ancient protest against patronage. In that year the Evangelical party commanded a majority in the Assembly; only a small section of that party, however, were in favour of the abolition of patronage. An idea was then pretty generally entertained throughout Scotland, by the well-wishers of the church's ancient constitution, that the political aspect of the country was favourable to the obtaining of a repeal of the obnoxious statute of 1712. Three different opinions respecting the

matter were held by as many parties in the General Assembly of that year. One party were for allowing matters to remain as they were ; another party wished to adopt a half measure ; while a third, though a very small number, advocated the entire abolition of patronage. Nothing definite was done on this subject by the Assembly of 1833. In May of that year, however, much was said, though nothing was done, on a subject to which, from the operation of various causes, a greater share of public attention was directed than for more than half a century before. This (said Dr Liddell) is the part of the history of this matter to which the attention must be directed. The simple question is, Which of the three plans just mentioned is the one which, being found in accordance with the original constitution of the Church of Scotland, must therefore be regarded by every member and office-bearer of that church as most in accordance with the Word of God ? To use a phrase of my friend Mr Bayne, only one of the plans must be right : the other two must be wrong. The statements both of Mr Bayne and myself must necessarily and properly be regarded as those of interested parties ; therefore let us call a witness to give evidence on the point. Let us call Dr. McCrie, the well-known Biographer of Knox and Melville. No man was better acquainted with the original constitution of the Church of Scotland. No man loved that constitution more. In proportion to his affection for it, was he desirous to see it freed from the corruptions and abuses which unfaithfulness and mal-administration had done so much to accumulate around it, and mar its beauty. Dr McCrie was a seceder from the Scottish Establishment : his testimony, therefore, must be regarded as impartial. In May, 1833, he wrote a pamphlet bearing the title, *"What ought the General Assembly to do at the present Crisis?"* In considering this question, he says,—

"The question admits but of one answer,—Without delay, Petition the Legislature for the abolition of Patronage. If there is one principle which the Church of Scotland has decidedly avowed, it is, that patronage is an unscriptural incumbrance, and inconsistent with the free exercise of her Presbyterian polity ; if there is one measure which she has sanctioned by her example, and fortified with precedents, it is that of applying to the Legislature to be relieved from the thralldom of patronage. The fact that, during the greater part of her existence, patronage has remained the law of the land (to which some have ignorantly appealed as a proof that it is not hostile to her constitution,) has contributed to place her principles on that head in the clearest light, by obliging her to

repeat, from time to time, her solemn protestation against it. Scarcely had she assumed the form of a National Church, when she pronounced her decided judgment on the freedom of election, in opposition to the abuses in the settlement of parishes under that "cursed papistrie," whose despotic yoke she had just thrown off. When the platform of Presbyterian polity was afterwards drawn up and formally sanctioned by the General Assembly in the Second Book of Discipline, she declared that the order prescribed by it, agreeably to the word of God, "cannot stand with patronages and presentation to benefices," whose names, "with the effect thereof, have flowed from the Pope and corruption of the canon law only." The removal of this abuse she pronounced one of the "special heads of reformation" which she craved ; and she ceased not to crave it ; nor did she ever withdraw her protest against patronage, though, in consequence of the selfish resistance of a feudal aristocracy, and the known inclination of an arbitrary Court to introduce Episcopacy, she deemed it prudent to accept of a settlement clogged with this abuse. Not to specify her other declarations, this is put beyond all doubt by her frequent ratifications of the Second Book of Discipline. As often as Government was favourable to her, she sought and obtained redress of the grievance ; as often as it was unfavourable, the badge of servitude was reimposed. On the recovery of its liberties in 1638, the General Assembly renewed its adherence to the former principles of the Church in relation to this subject ; and after procuring, by reiterated applications, various improvements upon the law, including the restitution to the Church of the Episcopal presentations, succeeded at last in obtaining the complete abolition of patronage, by the Parliamentary statute of 1649. At the Restoration, patronage was again imposed on the Church, along with Episcopacy. At the glorious Revolution, when the act 1592, ratifying Presbyterian government, was revived, the clause which reserved the rights of lay patrons was expressly excepted, as known to be highly offensive to all Presbyterians ; and by a subsequent act of the same Parliament, patronage was abolished. All who are acquainted with the history of this country know how shamefully it was restored, in 1712, by a Tory and High Church administration, which had notoriously concerted measures for the exclusion of the House of Hanover from the succession to the throne, and the consequent overthrow of the Revolution Settlement. So much were they aware of the determined opposition which this measure would meet with from the Church of Scotland, that it was introduced clandestinely into the House of Commons. As soon as the fact

came to be known, the Commission sent Messrs. Carstairs, Blackwell, and Baillie, to London, who presented to the House of Peers a representation against the bill, in the name of their constituents, in which they declare, "that from the first Reformation from Popery, the Church of Scotland hath ALWAYS reckoned patronages a grievance and burden, as is declared by the First and Second Books of Discipline, published soon after the said Reformation ; since which time they were still judged a grievance, till at length they came by law to be abolished."

This representation the subsequent General Assembly approved and pronounced "most faithful and seasonable ;" and its successors applied repeatedly for the repeal of the obnoxious statute. In particular, the Assembly of 1736 recorded its sentiments solemnly in an act (known to have been drawn by Lord President Dundas), which states that the Church of Scotland is, by her duty and interest, obliged still to persist in using her best endeavours, from time to time, to be relieved from the grievance of patronage, until the same shall, by the blessing of God, prove successful ; and for that end, that this Assembly shall empower and direct the Commission to be appointed by them to make due application to the King and Parliament for redress of the said grievance, in case a favourable opportunity for so doing shall occur during the subsistence of that Commission ; and this Assembly doubts not, that future General Assemblies of this Church will, from time to time, be watchful and attentive to this weighty concern, and will not fail to make the like proper applications, whenever by the providence of God, a fit occasion shall offer itself."

* * * *

"If the ensuing Assembly shall decline the opportunity which the providence of God now presents, will it not show itself unfaithful to its trust ? If through timidity or worldly prudence, or any such motive, it allow the "fit occasion" to pass away, can it expect that Providence will afford another equally fit and propitious ? It is not uncommon at present to hear the clergy spoken of as half a century behind the middle class of their fellow-countrymen in practical intelligence and liberality of thinking ; but if they should stand back or remain silent at the present moment, they would show themselves to be whole centuries behind their fathers, in liberal views, in fidelity, in wisdom, in spirit, and in every thing that ennobles and elevates the ministerial character. They will dishonour the places once occupied by men cast in a very different mould ; and the shades of our Knoxes, Melvilles, and Bruces, our Hendersons, Calderwoods, and Gillespies, our Carstairses, Black-

wells, and Baillies, will frown upon and disdain to acknowledge their degenerate successors. Nor will our gentry, lawyers, and philosophers, who may fill the place of ruling elders, have less reason to dread the reproach of our Argyles, Hopes, and Johnstons, our Dalrymples, Dundasses, and Hutchesons."

"I know that there are some good men, with whom it would give me great pleasure to act, who are of opinion that all which should be attempted, for the present at least, is to revive calls, and in this way to prevent intrusions by imposing a check on the nomination of patrons. Without the least wish to throw a reflection either on their candour or on their judgment, I must be permitted to say that I have never been able to perceive how the right of lay-presentation, and a real efficient call by the people, can be reconciled. The plan lies open to the objection of at once withholding from the people the right of choice, and of leading to endless collision between them and patrons. If the contending forces are supposed to be equal, the machine must be reduced to a state of rest; if unequal, the one must always preponderate over the other. This objection would not have the same force provided the nomination had been committed to the kirk-session, and the check given to the congregation; because both parties would be under the direct controul of the Presbytery; but in the other case, the different forces are not under the same directing hand, the patron being independent of the Church courts. It is not denied that the church may have recourse to this method; she may decide that no one shall be settled in a parish who has not first received a real call from the people, and she may even prohibit her licentiates from accepting of a presentation until they have obtained such a call. Both of these things have been done formerly. But THEN the church was in an attitude of defence against a law which she held to be unjust, and an encroachment on her privileges. I humbly apprehend, therefore, that consistency, as well as respect both to government and to patrons, would require that the church should not adopt this measure until she had applied to the Legislature for the repeal of the patronage law, and been unsuccessful in her application. This seems to be the regular order; and it would, at any rate, relieve them from embarrassment in argument, and from the objections which their opponents are in the habit of urging against their plan.

"In order to accomplish the good proposed, the abolition of patronage must be complete. The simple repeal of the act of Queen Anne would leave the settlement of parishes to be regulated by

the act 1690, or rather would render that mode of settlement imperative. *In that case*, whatever necessity might appear for adopting an alteration upon it, the church courts, either at their own instance, or on the petition of the people, *could not make it.*"

"The Assembly will be told, that it is preposterous for to go to Parliament, without first settling who should be the electors ; and that the reply of the honourable Houses would naturally be, "Go, first agree among yourselves as to what you wish, and then we will consider whether it is proper to be granted." This objection proceeds entirely on a fallacy. It is not proposed that the Assembly shall set aside a mode of election ; it has not this in its power. All that it can do is to petition the Legislature ; and the object of its petition is not that it should substitute another mode, but that it should leave this to the proper and competent authority."

* * * *

"If I had the ear of the very reverend the moderator, I would humbly recommend to him as a text for his opening sermon, the words addressed by Mordecai to his royal cousin—"If thou altogether holdest thy peace at this time, then shall there enlargement and deliverance arise to the Jews from another place ; but thou and thy father's house shall be destroyed ; and who knoweth whether thou art come to the kingdom for such a time as this?"

"It will, no doubt, be a grievous disappointment if the representatives of the church shall fail in discharging their duty at this time, but still the cause must not be abandoned by its friends in despair. Neither the clergy nor the judicatories are the church exclusively, either in a legal or ecclesiastical sense ; and if the General Assembly, deaf to the advice of its predecessors and the call of Providence, shall, instead of being, "watchful and attentive to this weighty concern," refuse to seize the "fit occasion" which offers itself for obtaining relief from "the grievance of patronage," the next question must be,—*What ought the MEMBERS of the Church—what ought the PEOPLE of Scotland, to do at the present crisis ?*"

Dr Liddell continued—

The Veto Law, which has been read by Mr Bayne, was the measure adopted by the Assembly in May 1834, not only in opposition to the views of the Moderate party, who desired not, in effect, to do any thing ; but in opposition also to the views of those who had all along contended for the total abolition of patronage ; and of course in opposition also to the warning and friendly voice of Dr. McCrie, who, as an impartial spectator of this new contest, and fervently concerned for the future character of the

National Establishment, was no doubt deeply grieved that the Assembly had entered on a course, whose termination has proved so disastrous. Dr. McCrie intimates, in the extract already read, his opinion that it was not legally in the power of the Assembly to enact the Veto Law. This opinion is still more explicitly stated in the following extracts :—

“ He agreed with the compilers of the Second Book of Discipline, that the “liberty of election of persons called to the ecclesiastical function, cannot stand with patronages and presentations to benefices ;” and held, with the General Assembly of 1713, that the Act of Queen Anne restoring patronages was “contrary to our church constitution solemnly ratified by the Acts of Parliament of both kingdoms.” Convinced, therefore, that the law of patronage, whenever the patrons choose to prosecute their claims, could easily be so interpreted or so enforced as to nullify the church’s independence, though this also was secured by law, he despaired of the success of any measure which proposed to reconcile the two conflicting principles, or render them compatible in their operation, and augured no good from the attempt which was made to effect this object by the Veto Act of 1834. In other words, he was thoroughly persuaded that no expedient which the church could devise, or the state could sanction, short of the abolition of patronage, would secure the church in the undisturbed enjoyment of her independence. Besides objecting to the Veto on the ground of its merely yielding a right of rejecting, instead of a right of election, to the Christian people, and of its being “a half-measure, lying open to objections on both hands, and which could not be supposed to give any thing like general satisfaction,” he entertained serious doubts of its legality, and frequently declared his firm conviction that it would lead to collision, contention, and litigation. “It is an indirect way,” he said before the Committee on church patronage, “of crippling the power and abridging the rights of patrons, which though followed for some time after the Act of Queen Anne, was ultimately abandoned. It appears to me more than questionable whether the restriction it imposes be legal, and whether patrons may not resist its exercise. A qualified minister was a thing recognized by the canon law, and a condition from the time that the right of presentation was conferred ; but no such element as the consent of the people, whether avowed or tacit was then known ; it was revived indeed by the Reformed Church, but she could never prevail on the state to recognize it ; and one principal reason why the government would not ratify the Second Book of Discipline was, because the Assembly would not agree to

insert after the 'consent of the congregation,' the words, 'if the people have a lawful cause against his life and doctrine.' At the least, the motion is an attempt to apply abstract Presbytery (to use a phrase in a former question) in order to neutralize concrete patronage. It is not, in my opinion, to the honour of the legislature, that the laws of the country should be thus indirectly set aside, instead of their being regularly rescinded by the proper authority."

"This judgment has been since confirmed by the decision of the highest legal authorities in the realm ; and it is vain now to dispute it. The reader may be struck with the similarity of the opinion here expressed to that of the late opponents of the Veto. This did not escape himself : "Dr. Cook and I," he writes to one of his family, "travelled together in a coach lately ; and we both cordially agreed in condemning the Veto. Extremes meet." They met, indeed, in their judgment on that particular measure, but in the path which they took to reach it, and in the reasons which they had for opposing it, they were still at extremes. Nor can we suppose that Dr. M'Crie's judgment in this case, was formed in the spirit of those who accuse the church of rebellion, because she has not, in her ecclesiastical capacity, surrendered into the hands of the civil courts her spiritual independence. He condemned the Veto, principally because he was persuaded that it tended, if it was not designed, to perpetuate the reign of patronage—more especially because it amounted to a virtual recognition by the church of that pernicious system, which she had always declared to be a usurpation and a yoke—and because it proceeded on what he viewed as a delusion, namely, that though patronage continued to be the law of the land, the church had it in her own power, so to modify the grievance as to render it comparatively harmless. Regarding lay-patronage, as in its very nature incompatible with the spiritual independence of the church, he could not agree with the supporters of the Veto, that the Church of Scotland had objected simply to an absolute or unrestricted patronage ; for, at the very time when she was carrying into effect those practical restrictions which she put upon the rights of patrons, she was earnestly petitioning for the abolition of the law itself. In this point of view, he considered that all practical modifications of the law, attempted by the church, might be found illegal, that is, incompatible with the rights of patrons ; just as he would have viewed the rights of patrons, had they been prosecuted to such an extent as they now are, to be incompatible with the rights of the church. But then, in her former days, the church had plainly told the government that she held

the law of patronage to be a direct infringement of the constitution as established at the Revolution, and solemnly confirmed at the Union ; that she did not, and could not, as a church, recognize the rights of patrons, as they were at direct variance with her constitution ; and that, therefore, if the state was still willing to support the constitution of the church ; it must be on the distinct understanding, that she could not sacrifice her spiritual rights as invaded by that law. At her own peril, the church continued to settle ministers on the suit and calling of congregations, as if patronage did not exist ; but knowing that, so long as that law stood, her liberties would be constantly endangered, under an adverse administration, by patrons being empowered to drag her before courts of law for acting according to her constitution,—she petitioned that the law might be “regularly rescinded by the proper authority.”

In a letter to J. C. Colquhoun, Esq., dated 1834, Dr. M'Crie says—

“I'd rather that patronage remain as it is, than sanction a principle alien and adverse to the Presbyterian polity ; rather submit to a yoke imposed by the state, and forged in a barbarous age, with all the appendages of its rough manufacture, than willingly bend the neck and pray for a new one, though less galling and oppressive. When I say this, I beg you to recollect, that I express myself as a friend to the principles of Presbytery ; for, as an individual, I would not petition Parliament to refer the matter to the General Assembly, having no confidence in it as presently constituted, and believing as I do, that the Legislature, provided they were to agree to repeal the patronage law, might be expected to be more favourable to the rights of the people, than the Assembly will be. Such is the consequence of the long continuance of an arbitrary law, and of the complete independence of the clergy upon the people,—the only check to which they can be legitimately subject according to the Presbyterian system.”

It cannot be doubted (continued Dr Liddell) that the course pointed out by the Veto Law was entered on by the majority in the Assembly of 1834 who secured its adoption, under the full and conscientious belief that the Veto Law was perfectly legal. It has been said, and said with truth, that the opinions of many eminent lawyers were given in favour of the idea of its legality. But here was committed a grand and fatal error. The opinion of a lawyer is not law. It is not, however, on the circumstance of the Veto Law being legal or illegal, that I am disposed to lay stress. It is on the fact of its being—aye or no—in harmony with, and a part of the constitution of the Church of Scotland.

For, if any enactment of the supreme court of the Church of Scotland shall be seen and felt clearly and deeply to be an essential and necessary part of its constitution, and therefore believed by me to be in accordance with the word of God, I unhesitatingly declare, that, even though such enactment were pronounced illegal by the civil magistrate, it would be my duty and privilege to follow the apostolic example, under similar circumstances—"we ought to obey God rather than man!" But it is because I believe, and because I find it testified by so unexceptionable an authority as Dr McCrie, that the principle of the Veto Law is not in accordance with the word of God—is not in accordance with the constitution of the Church of Scotland, but is, in spirit and letter too, opposed to both,—it is because of these discoveries and this belief, that I deem it unspeakably and madly hazardous to court and provoke collision with the courts of the civil magistrate, on a point on the legality of which there may be found to be entertained, even by one intelligent man, one honest and conscientious doubt. I can even understand that the Assembly might fairly and honestly enough have tried the question of the legality of the Veto, and on ascertaining that the ground presented by that enactment was not only legally untenable but in fact ecclesiastically valueless, to have at once and cheerfully abandoned it—only to take up a higher or a more constitutional, and a more Scriptural position. Most unhappily that course was not by the Assembly adopted. And although a different ground was ultimately, before the Separation in 1843, assumed by the Assembly, in its negotiations with the Government, still that circumstance weakens not in the smallest degree the strength of the argument which I am now urging, since all the cases brought before the Civil Courts, and by them decided against the Assembly, in the question of the Assembly's jurisdiction, were so brought and so decided on the ground of the enactment by the Assembly of the Veto Law. It is true that under the Veto Law the church might have proceeded, unembarrassed and unimpeded, in the work of settling Ministers in vacant parishes, on the ground of that ecclesiastical enactment—and every well-wisher of the peace of the Church might anxiously have desired that it had been even so,—but all this rested on the precarious assumption that every Patron in Scotland would take the same view of the legality of the Veto as had been adopted by a majority of the Assembly of 1834, and that not one of them would embrace the view so significantly expressed by Dr McCrie. But it is very obvious that this was a state of insecurity in which it was neither proper nor desirable that the Church should continue. Since the Patron's ground was

civil, and that of the Assembly purely ecclesiastical, it is manifest that in consequence of this utter disparity, the peace of the Church was subject, on every new vacancy, to be rudely invaded by a power which the ecclesiastical tribunals could not controul. It is obvious too, that the point of the settlement of Ministers in vacant parishes, being, not only from the Act of 1712, but also from the Revolution Settlement of 1690, the vulnerable point of the Church's constitution, it was most injudicious and unwise to expose that vulnerable point to a storming party of Scottish lawyers and English legislators.

In May 1834, a few days after the Assembly had enacted the Veto Law, Dr McCrie, in a Sermon preached from Daniel xii. v. 8, thus severely reprehends the conduct of the party in the Assembly who framed that enactment, and intimates the effects which his sagacity foresaw would flow from it. He says—

“Another omenous cloud in our horizon is the engrossing attention to politics, and the indifference or aversion shown to religious privileges amidst the struggle for those of a civil nature. In former times, especially in our own land, the cause of civil and religious liberty, of political and ecclesiastical privileges, was identified. They had common friends and common foes. Those who opposed regal depotism and arbitrary power in the state, withstood the ecclesiastical supremacy and Erastian encroachments on the church; and the same parliament which had successfully vindicated its own freedom and privileges, removed the yoke of patronage from the church's neck, and left it free for her ministers to be admitted “upon the suit and calling of the congregation.” Need I say how different it is at this day? Those who are loudest in their cry for political privileges, in Parliament and out of it, are not only indifferent about ecclesiastical privileges, but are the most determined foes to them. And those churchmen, who derive their distinctive name from the people, and who, under God, owe all to the voice of the people, are too generally hostile to popular rights. Not satisfied with having the yoke imposed by state authority, it must be riveted by a church authority, and by means of the golden screw of a VETO; and as the name of the instrument is Roman, it must, I suppose, have a Roman inscription too, ESTO PERPETUA.”

“I am sorry I cannot join with those who would give the name of REFORMING to the General Assembly, whose meeting is now drawing to a close. One party which has long had the management in the judicatories, and has ruled with sufficient rigour, has been defeated: how their successors will act remains still to be determined. In the mean time, their proceedings hitherto have not laid a founda-

tion for sanguine hopes. The decision on calls, so much applauded by many, together with its strange but not unsuitable accompaniments, I can look upon in no other light but as an attempt to gull the people with a show of privilege, while it subjects them to be fettered, at every step, in the exercise of it, and involves them in the inextricable meshes of legal chicanry. And this boon is presented to them by the hands of those who have scornfully thrown out and rejected their petitions for relief from a grievance of which the Church of Scotland has always complained; and this at a time when the legislature, by which the yoke was imposed, had so far listened to similar petitions from the people, as to appoint a committee to enquire into the grounds of complaint, and to put the country to no small expense in conducting the investigation. I say it is more than suspicious that the alleged boon should be presented by the hands of those who have summarily and haughtily thrown out the petitions of the Christian people against patronage. They say they have muzzled the monster: it is a mistake; they have only muffled him, and they have muzzled the people."

The Chairman having here intimated that the allotted time had expired, Dr Liddell concluded as follows:—

I have shown what was the ground on which the unseemly conflicts have taken place between the ecclesiastical and civil tribunals of Scotland and Britain. It was the ground formed by the enactment of the Veto in 1834. It is altogether irrelevant to say, as Mr Bayne has done, that the ground occupied at the time of the separation in 1843 was quite different from the ground of the Veto. When urged to look at the matter in the light in which he puts it, I ask, what was it that brought the question of the church's jurisdiction for trial before the civil courts at all? The cases of Auchterarder and Lethendy and Marnoch, were all brought into the civil courts on the ground, occupied by patrons and presentees, of the alleged illegality of the Veto Law. Such cases as Stewarton, and Cambusnethan and Stranraer are properly arranged under a different head, being cases affecting the church's independence; and to the principle of such cases I shall attend afterwards. I am not here to affirm that in the extraordinary and unholy contests which for the last few years Scotland has witnessed, much has not been said, in the church courts, from the Bench, and in the high places of legislation, that has brought great discredit on our country, and that is fitted to weaken the foundations of our institutions at a time when many pressing exigences require them to be strengthened. We know that certain parties have quarrelled. We shall, perhaps, not judge far amiss if we conclude that all of

them are to blame ; but, as honest and impartial men, it is necessary for us to enquire—who first began the quarrel—who first provoked the strife ? What was the object, sought at first to be gained, by the enacting of the Veto Law ? The constitution of the church declares that the admission of ministers must be with the *consent* of the congregation. Even in the *sixteenth* century, the Reformers of the church of Scotland *crave* the abolition of Patronage by the State, and unequivocally declare that Patronage cannot stand with the liberty which God's word craves. Does the Assembly of 1834 declare and crave these things ? So far from this, by an overwhelming majority, that Assembly, acquiescing in the opinion expressed by the mover of the Veto Law, sanction the doctrine that Patronage is not to be meddled with—that, inflicted on the church by act of Parliament, it must be incorporated *with* the church by act of Assembly. It was a severe, but I fear a true saying of Dr. McCrie, regarding that assembly—they have only muffled Patronage, and they have muzzled The People.

With the simple testimony of Dr. McCrie before us, there can be no doubt that the enactment of the Veto Law afforded the pretext which, had our ecclesiastical office-bearers been faithful to the church's constitution and to Christ, they would not have afforded to Patrons, for dragging the ecclesiastical courts of Scotland before tribunals from whom the treatment they have received could not be otherwise than predicted and anticipated. And let it be disguised as it may by a long and tedious process of "legal chicanry," there can be no doubt that the non-approval by the government of the principle of the Veto Law, or the refusal by the church to withdraw from the ground on which the ecclesiastical and civil courts came into collision, must be considered as the grand moving spring of the Secession in May 1843. And, because a Secession took place in Scotland in 1843, a Secession must take place in Canada in July 1844. The *reasoning* which is indulged in to prove the necessity of our separation from the society of one another is neither more nor less than this,—We are in connexion with the Church of Scotland,—but that Church of Scotland has sinned, sinned so foully as virtually to deny the sole Headship of Christ—she has become so Erastian as to put her neck under the feet of Cæsar—therefore, just as we cannot keep company with a thief without becoming art and part with him in his iniquity, we must come out and be separate from the Church of Scotland, that we be not partakers of her sins, and that we receive not of her plagues !

The Rev. Mr BAYNE began his Reply. He should like first, he said, to put himself right respecting the use of a word with which Dr Liddell appeared to be dissatisfied ; he meant the word "Moderatism," which the rev. Doctor seemed to think he used or applied as a nickname. The sense in which he used it was merely as the designation of a great party in the church—a party name, like Whig and Tory in politics,—which, whatever were the original motives for their application to certain parties, had now lost all their invidious character. In that sense alone, and not as a nickname, had he used the term.

There were two things in the line of argument which the rev. Doctor had taken, which had struck him forcibly, and must have attracted the marked attention of the audience. The whole of his (Mr Bayne's) argument for the separation from the Scottish Establishment rested on the charge, that that Establishment had become Erastian. Because of her lapsing into that heresy, the Free Church, he had argued, rightly came out from her and abandoned her; and on the same ground the disruption had become necessary in Canada. Yet the rev. Doctor, during the whole hour and a quarter, or rather hour and a half, which he occupied in making his speech, never till almost at the very close once alluded to the charge, or denied it, or attempted any extenuation; but occupied nearly the whole of that time in a dissertation on the Veto Law, with which the question had, in fact, nothing whatever to do. Not the slightest allusion was made throughout the body of the speech to this charge—this serious and important charge,—but it was passed over as a trifling matter, and only passingly noticed at the fag end of the discourse—brought in as the last joint in the tail of his Veto Law argument! That was a most significant omission, as the meeting would doubtless remark, and was, in fact, a tacit admission of the whole charge he brought against the Establishment.

In the course of his [Mr Bayne's] argument, he referred to the decisions of the Civil Courts, and the conduct of the Government, and to the action of the Church of Scotland in assenting to, homologating, and carrying out every claim of the State against her, as evidence that she had thereby betrayed the allegiance she owed to the Lord Jesus Christ as her head, and transferred such allegiance to the Civil Power. The charges thus brought forward and substantiated, were as easily disproved, as easily set at rest, if they were false, as any charges could possibly be, by showing that the proof of them had failed: but not one word did the Doctor say in reply either to the evidence or the arguments,—

not a syllable had escaped him in relation to them! A more palpable evasion of a plain downright argument and charge, he was bold to say never before occurred; and was nothing less than an admission, by her advocate, of the whole charges brought against the Church of Scotland.

But again, the great bulk of Dr. Liddell's address consisted, besides the attack on the Veto Law, of an abuse of patronage. Now he (Mr Bayne) was as strong an enemy of patronage as the Doctor or any other man could be, and in the language in which the Doctor denounced that abomination, he most cordially agreed. But what bearing had that on the point in dispute?—what answer was it to the charge that the Church of Scotland had departed from the true faith, and become an Erastian Church? Besides, what had been the conduct of the residuary church on that question, since the disruption had taken place? Or what would have been said to the Rev. Doctor had he uttered that speech against patronage on the floor of the Assembly's Hall, instead of in that church? Why he would have been coughed down—they would not have listened to him—they would have spurned away from them a defence resting on such grounds. Had the Church uttered one word against patronage since the Free Church had abandoned her? Not a syllable. Had she petitioned the Parliament for its removal? No, no; the topic might be employed as a popular one to throw dust in the eyes of the people of Canada, but in the Church of Scotland no idea was either entertained or expressed of getting patronage removed. If all was true that the rev. Doctor said of this monstrous evil, what could the public think of the conduct of that church, which had taken patronage into her warmest embrace, and was hugging it with rapturous fondness in her bosom? He (Mr Bayne) boldly and fearlessly stated that it was the last wish of the office-bearers or members of that body to lift up their voices, or take measures to destroy the monster of patronage, ay, or to diminish the evil by the smallest atom of its magnitude.

The Doctor condemned the Veto Act because, he said, it only qualified the evil of patronage, but did not remove it. That he (Mr Bayne) admitted at once; and more than that, he admitted that some of those who were engaged in carrying it, had no intention of attempting any further measure of relief. But such was not the case with all. Many of the supporters of that Act desired and sought the entire removal of patronage, and brought in that Act not only as an interim measure for correcting and controuling the evil, but as an instalment of the full rights which the people demanded to have returned to them. So far as it went, this

measure abated one evil connected with patronage, although it left others in existence ; and so far its promoters did right and were not to be blamed. They ought in his (Mr Bayne's) opinion to have gone further ; but so far as they went, he held they had done right. They held it the most essential point to get rid of the evil of intrusion first, and then to attack the other evils as they saw opportunity. He had stated in his opening speech, that some office-bearers in the Church of Scotland were able to remain in that church even whilst it groaned under the load of patronage, because patronage did not necessarily infer the intrusion of a minister on a people in opposition to their will ; but these held that if intrusion was rendered legal, as the courts of law had decided it was, they could no longer remain in a church subject to such an enormous evil ; and in order to avoid it, they brought in and passed the Veto Act, with that sole view. And who opposed the passing of that Act ? Who but those who wished to support, and keep in existence, without abatement or diminution, the entire evil—who would have gloried in seeing all restrictions on patronage done away and intrusion made the law of the church. The veto they saw was an interim measure—a stepping-stone for the removal of the whole evil, and finding it so, the whole body of what is now the Residuary Church united in opposition to it, and put the cope-stone on their apostacy in their opposition to that measure, by Erastianizing the Church.

But the Doctor said, the Veto Law was illegal ; and he gave some very proper rubs to the lawyers about their opinions, and so forth, as being fitted only to beguile and mislead, and fleece those who trusted to them. No man held the opinions of lawyers—especially those that were paid for—in lighter estimation than he (Mr Bayne) did ; but what did Dr Liddell adduce to make the opinions of the lawyers and others whom he brought forward kick the beam ? That of one man—a plain clergyman, as Dr. Liddell called him,—Dr McCrie. In opposition to his (Dr McCrie's) doubts, for they amounted to nothing else, he [Mr. Bayne] had adduced the positive testimony of the most eminent lawyers in England and Scotland, backed, and sanctioned, and enforced by the most eminent clergymen and office-bearers in the church ; and yet all these, according to Dr Liddell's ideas, were to be overborne, driven out of sight, and rendered nugatory, by the doubts of Dr McCrie ! Was there ever a cause heard of, so weakly supported—so powerfully opposed,—and which yet pretended to have the balance of evidence in its favour ?

But he rested his vindication of the Veto Law on higher grounds than the opinions of lawyers. The Veto was a practical enforce-

ment of the right of call. If the church had a constitutional right of non-intrusion, then the Veto, or a much stronger law, was lawful in carrying out that right, and its only error was in its weakness, or rather in its not being sufficiently comprehensive, as it did not carry out so far as it ought the people's right of call, and the church's right of preventing intrusion. But, conceding all that Dr. Liddell had asked respecting the Veto, it only made his [Mr Bayne's] case the stronger. Suppose he had fully made out that the Veto was illegal, and that it could not be enforced by the church by reason of its illegality, was that any answer to the charge that the Church of Scotland was an Erastian Church? Why, if he wanted a proof that it was an Erastian Church, would there be anything stronger than that such a law was illegal—that the law of Scotland held that it was not against the constitution of her church to thrust a minister upon her people totally repugnant to such people—and that the church sanctioned and submitted to, such an interpretation of the law? Was it possible to imagine a stronger case of Erastianism than was thus presented, where the church was admitted to have given up and abandoned her people to a monstrous innovation of the state; and, when even the attempt to remedy the evil, was declared to be beyond her power, and she was defied to stir hand or foot in behalf of her oppressed people? If that was not abundant proof that the Church of Scotland had become an Erastian Church, and that even Dr. Liddell himself was bound to come out from her, then he did not know what evidence was. But he (Mr Bayne) had hold of Dr. Liddell in another way. The Doctor had said, that if the civil power declared that anything opposed to the word of God was upheld by the civil courts as a part of the law of the land, then he would renounce and disobey such decision. Now Dr. Liddell had emphatically declared that patronage was abhorrent to the law of God, and yet the Scottish Courts had decreed that it was legal, and part and parcel of the civil law. Was he not therefore justified in asserting that Dr. Liddell was bound to put the civil power at defiance on this point, as had been done by the Free Church—and come out, forsake and abandon the Establishment, as he (Mr Bayne) had done?

But to return to the main subject. The meeting must not only have been struck with the care the Doctor took to avoid answering his charge, that the civil courts in Scotland had made Erastian inroads upon the church, and that the church had submitted to, and sanctioned, the encroachments thus made; and the way in which he contrived to divert attention from that charge, and fix it on the Veto Law; but with the extraordinary attempt at the

conclusion of his speech, to make out all that he had said on the Veto Law, as proving that the Church of Scotland was not Erastian. How it cleared away the mist, as he alleged, you will I daresay be as much at a loss to see as I am. With what a flourish of trumpets too did he come forth with the challenge, defying him (Mr Bayne) to show that the Veto Act was not the cause of all the encroachments of the civil courts,—the original, only cause, as he said, of all the troubles that had since arisen in the church. Now, without waiting to deny this assertion at present, (although no assertion could be more absurd, for the case of the Quoad Sacra Ministers had nothing whatever to do with the Veto Act), it was another evasion of the question at issue—another attempt to blink the main point in dispute. What he [Mr Bayne] had alleged was, that that the Civil Courts in Scotland had claimed the right to interfere in every act of the Church, as a Church,—to review, controul, and coerce her, in every matter in which the remotest appearance of a civil interest seemed, in their judgment, to be affected, and thus to drag the whole civil and spiritual matters of the Church before them, for their revision and sanction. He defied that charge to be disproved, and in it was comprehended the whole matter in dispute : for if the Church sanctioned such an innovation,—(and she had sanctioned it),—then had she betrayed the cause of her people, insulted her Lord and Master, and laid her privileges prostrate at the feet of the Civil Power.

These were the main points in the speech of the rev. Doctor to which he thought it necessary to advert ; and as his remarks had not exhausted, he believed, the time allotted to him to make his reply,—for the Doctor had given him less to do than he expected——

The Chairman.—The time has already expired.

Mr Bayne.—Well, I am sure my reverend Brother, and this meeting, will not grudge me a few minutes more, to explain the second position I laid down in my former address, namely, that the Church in Canada in connexion with the Scottish Establishment, had become art and part in her sins, and therefore, that those who thought so were bound to come out from her communion, and testify against her guilt.

The general principle which was involved in this part of the question, was a very plain and simple one, and recognised and acted on in every day practice. He [Mr Bayne] held that friendly communion always implied sanction. It was so in the intercourse of individuals ; and it could not be less so in the intercourse of private christians, congregations, and churches. If a person was

found associating with a cheat, a thief, or a liar, would it not be said, and truly said, that he was countenancing him in his cheating, or thieving, or lying? Or if a professing Christian lapsed into Arminianism, or Antinomianism, and another professing Christian did not, on account of such lapse, abandon his society, but held Christian intercourse with him as before, would not the world have ample reason not only to entertain serious doubts of the sincerity of his belief, but to charge him with strengthening and encouraging the heretic in his sin? Or suppose two congregations, both pure in their conduct, their principles, and their doctrines, and as such in friendly communion; and suppose one of them falling into heresy, and bringing discredit on the church of Christ,—and yet the intercourse of those two churches still maintained;—would any man not say in such a case, that the pure church was not only degrading herself by such association, and rendering herself liable to all the contagion of her doctrine and heresies, and to all their consequences in this world and the next; but moreover, rendering herself art and part, and so far responsible, for those sins, by the countenance she gave to those who committed them. As it was with congregations, so was it with churches. That church which continued on friendly terms of intercourse and relationship with another which had lapsed into open and avowed sin—which received on terms of special favour her Ministers—and which partook of her endowments, and thereby jointly partook of the wages of her iniquity,—undoubtedly gave her countenance and sanction to the sins of her associate, and was therefore justly to be held responsible for them. Now what was the condition of the Presbyterian Church of Canada in connexion with the Church of Scotland? She was a Church constitutionally in friendly communion with that Church; and not only so, but the Church in Canada held her endowments on the condition that she remained in communion with the Kirk of Scotland. Now, so long as the Church of Scotland remained true to herself and her doctrines, there was no harm in this, but on the contrary much good arose from the intercourse and brotherly communion of the members of the Church in both countries. But when the Church of Scotland wavered in her faith—gave up her privileges—abandoned her constitution—and became an Erastian, time-serving, truckling body,—to continue in her society and partake of her endowments, was to sanction her sins, and reap the guilty wages,—was to aid, encourage and strengthen her in the vicious course which she had adopted. Was that not sufficient reason for separating from her, when, if we had not done so, we should have been held partners in her guilt, and in her

infamy, and in the wages of both? If that was not a sufficient reason for abandoning her, then he did not know what a reason was.

But it was unnecessary to argue at length on that part of the subject, for facts were ready which would place beyond controversy the truth of the accusation, that the Synod had made herself responsible for the sins of the Church of Scotland. After the disruption of the Synod in Canada, a letter was sent out from the Colonial Committee of the General Assembly of the Residuary Church, an extract from which he would read; but first he would notice another fact. Before the disruption took place, the following statement was read in the General Assembly, which he would now read to the meeting:

"Unable, from circumstances, to supply the Colonies with additional ministers, the committee have not only fulfilled to existing ministers the heavy engagements they had formerly come under to them, but have made various grants of from £20 to £50 each, to deserving and laborious pastors, chiefly in the North American Colonies, who were in necessitous circumstances, and whose flocks, some of them in any period, and others from the recent pressure of the times, are unable fully, or at all, to provide for their comfort. These grants have been confined to those ministers who have declared their firm purpose of maintaining their connexion with the parent church, and have been most thankfully received by them, and the committee are devising more liberal things in their behalf."

This shows the terms on which alone the Church of Scotland would continue her subsidies to the people of Canada. The next extract, from the Letter of Sympathy of the General Assembly of the Residuary Church in Scotland to the members of the Presbyterian Church in Canada remaining in her connexion, shows that these terms were fully acceded to, and that she worked well and lustily for her wages:—

"The accusations lately brought against her [the Residuary Church] in your Synod, as formerly in many of her own courts are as destitute of truth as they are devoid of charity, and we feel refreshed with the meekness and the power with which you have exposed and refuted all such errors. You have our best thanks for the able manner in which you have pleaded the cause and vindicated the principles, of our national establishment."

Now, then, was there any longer a doubt that the connection with the Residuary Church has encouraged her in her sin, and that the very basis and ground of such connexion is the admission

of the recititude of her course, and the sanctioning of all her proceedings? For did the church in Canada object to the terms of this letter of thanks, or avow any dissent from the implied sanction, which it had assumed they had given to the actings of the Church of Scotland? No, far from it. On the contrary, she caused vast numbers of that very letter to be printed, and distributed throughout the Province; as if openly to shew what firm friends they were and how warmly the Residuary Church in Canada had taken to her bosom the church at home, with all her sins. In the neighbouring town of Hamilton, too, the Residuaries lately held a meeting; and although it had been confidently given out, that all or the greater part of those who had abandoned the Synod, were gradually coming back to her, yet it became strangely apparent that there was great want of funds among them. Where the affections were fixed, there the eyes were naturally turned, and the longing eyes of the Hamilton Residuaries were accordingly cast wistfully to the Erastian Church of Scotland, and lo! those who wished it to be thought they sanctioned not her sins, nor partook of her guilt, were anxiously expecting from her a Minister and fifty pounds a year, as the wages they were to receive for participating in her infamy and her heresy. By what logic the rev. Doctor could prove that that was not sanctioning sin, and countenancing sinners, he would now leave him to show.

Mr Bayne concluded by expressing his regret that owing to the short time permitted each party to address the meeting, many points in the argument were left untouched, or only slightly alluded to; but he trusted enough had been said to show that the Presbyterian Church in Canada were not only justified in their abandonment of their connexion with the Church of Scotland, but solemnly bound and constrained to adopt that course.

Dr. LIDDELL then rose to make some additional statements. He spoke as follows:—

In listening to Mr Bayne's second address, we might easily have supposed ourselves in a very inferior court of law, when some lawyer happened, for the amusement of himself and others, to be sporting his quips and quibbles. In that sort of amusement, I do not wish to indulge. Happily, the opinion of a lawyer is not law. A man may say of another "I have him!" "See how I have him!" and yet he may not "have him" after all.

I am here to state my reasons for remaining in connexion with the Synod of Canada in connexion with the Church of Scotland;

as Mr Bayne is here to state his reasons for dissenting from that ecclesiastical body. So much reference has been made, on both sides of this controversy, to events that have recently happened in Scotland, which have issued in what is vulgarly called a disruption, that it is felt to be necessary on both sides, because of the connexion which all of us had, and which some of us still have, with the Church of Scotland, to speak of the causes, or the supposed causes, which have operated to produce a new Secession, both in Scotland and Canada. There is no doubt that so far as a Call from the people of a vacant parish is concerned, as an element in the question of the settlement of a Pastor, the Revolution Settlement of 1690, and which I have already referred to, is somewhat indefinite ; and in the Church's intercourse with the State, in the matter of the church's endowments, this indefiniteness presents the weak point of the Church of Scotland's constitution, so far as the Settlement of Ministers is concerned. Neither can there be any doubt that this weak point is not strengthened by the imposition of Patronage on the Church of Scotland by the Parliamentary enactment of 1712. Now, my line of argument is this,— Since in all negotiations with the State, on any matters affecting, or, which is the same thing so far as ground of possible contention is concerned, on any matters believed by the State, or any one party in the State, to affect civil and not spiritual things, the Church ought clearly not to present to the State or its Courts of Law her weak side but her strong one ; and since the Patronage Act is the very thing, as allowed by all, which affords patrons and those on whom their gift of patronage may be conferred, constant opportunities of tempting the church to expose her weak side to the state, it obviously appears to be the duty and the interest of the church courts, and not only so, but an act of faithfulness on their part to the spiritual liberties of the members of the church, to seek the entire abolition of that enactment of the state by which these spiritual liberties are taken away. Mr Bayne says he agrees with me in this. I believe he does. Well : what was it that brought the church courts into collision with the courts of the state ? Did this happen because the church courts asked of the state to abrogate the Patronage Act of 1712, or to undo the Revolution Settlement of 1690, and to set the church free to adopt the principles of the Scottish enactment of 1649 ? Was it the refusal of the British Government to listen to or to grant the prayer of such a petition, which led to so many protracted and harrassing litigations between the church courts and patrons ? Was it such a refusal that was the real cause of the secession which took place from the Church of Scotland in May

1843? No man, knowing any thing of the subject, can justly say that it was so. It was the enactment of the Veto Law of 1834, which, being deemed illegal by the patrons, and by many also both in the church and out of it, and on appeal, its illegality being announced by the supreme legal court of the empire, brought about those unseemly contests which have gone far to degrade almost all the departments of the ecclesiastical and civil communities of our native land. Still, it is not on the declared illegality of the Veto Law by the civil courts, that I am disposed to rest. For it is more than possible for the civil courts to declare that illegal, which in the light of the Bible and good reason may be, after all their declarations, in accordance with the highest and the purest law. I wish not to speak ostentatiously on this, however, for the principle which I now state I have been called to act upon, and I may possibly be called to act upon it again. My opposition to the Veto Law arises from my decided conviction that it exposed more and more to the hostility of many adversaries the weak part of the church's constitution—that it provoked and courted the interference of the courts of the state, at the instance of any party who might choose to raise a civil action,—above all, that it actually tended to *perpetuate* patronage, and thus to *deprive* the members of the church of those privileges which it would have been only an act of *faithfulness* on the part of the church courts to have endeavoured to secure for them. This is my chief ground; because I am aware that much misty and beguiling declamation is here used, for the purpose of inducing credulous people to believe that the contests carried on in Scotland have originated in a pure and heavenly desire on the part of the church courts to secure and maintain “the crown rights of the Redeemer, and the liberties of His blood-bought people.” Never was there a deception more complete—never was a popular bait more gaily feathered. The simple and straightforward Reformers of 1560, who drew up our Standards, say, “The admission of Ministers must be with the *consent* of the congregation. The liberty of *election* cannot stand with patronages and presentations to benefices.” But the very *moderate* Reformers of 1834, as if they had a special commission to draw up a list of *Errata* to direct us to the meaning of the Standards, say, “for *consent* read *dissent*,” and for the phrase, “the liberty of election cannot stand with patronages,” &c. read, “non-intrusion and patronage are by no means incompatible with each other.” Well might Dr McCrie sarcastically say, “The successors of the Moderates in the General Assembly have muzzled the people!”

Now, what is the character of the proceeding in argument of those who vindicate and approve of the recent Secession from the Church of Scotland in Scotland—and the Secession, consequent upon that, which has taken place from the Synod of Canada in connexion with the Church of Scotland? Those who have originated and who still maintain the propriety or necessity of such separation both in Scotland and Canada take us, by a single bound, and expose to us, in imagination, and by the use of the strongest figures of speech, the aggrieved consciences and the bleeding bosoms of the only faithful ones in the kingdom, prostrate in the dust, and trampled on by the remorseless power of savage and blood-thirsty tyrants—and by way of contrast to the condition of such lowly and afflicted persons, we have presented to us the condition of the Church of Scotland, as that of an enslaved, iron bound, Erastian Corporation, not only passively submitting to all the despotism which the state chooses to practise upon it, but eagerly aiding the state in the horrible and fiendish work of persecution of the only pious and wise in the ancient kingdom of Scotland; and the simple people of Canada are, with all becoming gravity told, of the awful tyranny of the state and its courts of law—with of course all dutiful hints that here too such tyranny may be expected and prepared for—and that, as to the Church of Scotland, it has become a work of common necessity to sweep her from the earth—to join in the cry of raze her, raze her to the foundation. Now, the making of all such statements I regard as declamation, not argument. Those who indulge in it are careful to show us the General Assemblies of the Church of Scotland in the civil courts of the kingdom—and because certain cases brought into the civil courts by the General Assemblies are not decided by the legal functionaries in a certain way which the General Assemblies have used the freedom to suggest or dictate—the cry of Erastianism and persecution is immediately and loudly raised, and the whole empire, from India to Canada, is called to join in and re-echo it. I confess most readily, my views are a great deal too *radical* to permit me to be thus imposed upon. I should like to get to the root of the matter. I ask this simple question—What was it that took the church courts into the civil courts at all? I am obstinate enough, if you choose to call it obstinacy, most positively to refuse to move one step in the investigation of this subject, until I get a most satisfactory answer to this question. Now, both Mr Bayne and I are parties in this question. The evidence of each is *ex parte* in its character, and so far as our evidence is concerned, is good for nothing. You have heard, however, the testimony of Dr. Mc'Cric—and that testimony

touches two points, namely, the unfaithfulness of the General Assembly in not adhering to the ancient constitution of the Church of Scotland as to the matter of the settlement of ministers—and also the illegality of the Veto Law. With respect to the latter point, my friend Mr Bayne says he will with confidence place the *certainities* of one of the most eminent lawyers against the *doubts* of the plain, simple Divine. Now, when the thing is put in this shape all reasoning ceases ; action must take place, and must go on to completion. But for myself, I am free to declare that I should with a thousand times greater prospect of safety, act on the conscientiously entertained and honestly expressed *doubts* of the Divine, especially when he does not happen to belong to my own ecclesiastical communion, and when he must therefore be believed to be free from party bias and prejudice, than on the pompously-announced *certainities* of any lawyer, or conclave of lawyers, however eminent.

The General Assembly of 1834, with a splendid opportunity before it of vindicating the ancient glory and purity of the Church of Scotland's constitution on a much debated point thereof, occupied a position secured by the advancing piety of the members and ministers of the church for many years before, with a course extended before the church unencumbered by any dangers save those which might arise from the church's own unfaithfulness to the Head of the church and His members. The Assembly positively, by a deliberate vote, refusing to take up its ancient Protest against Patronage, asks the question, Shall we enter on the course now open to us, giving to the people merely the power of saying, "No, we shan't have him," respecting the presentee of a patron to a vacant parish? Suppose we enact this Veto Law—is it legal—aye, or nay? I have my *doubts* of it, *whispers* the Divine, in sympathetic but warning voice. "Advance along the Veto road," vehemently exclaims the lawyer; "why put his *doubts* against my *certainities*?" The course marked out by the lawyer is entered on; and in a few years only the church is landed in all "the meshes of legal chicanery." The Assembly "muffled the monster, and muzzled the people." The end of this course was the separation of May, 1843.

And, with respect to us in Canada, what do we see done? and what does a great body of Presbyterians in Canada experience? Those who are in connexion with the Church of Scotland were and are still told that a great battle must be fought in Canada—that those who are on the side of the Free Protestant Church of Scotland are right—that all who are not so are wrong—and no

mistake ;—that the one party are fighting for the crown rights of the Redeemer,—and that all others are fighting against God ;—that the Free Church separated from the Church of Scotland in May 1843—and that an enormous sin was committed by the Synod in Canada for not cutting all connexion in July 1844. One after another Free Churchmen from Scotland land on the shores of this New World,—and there could not have been a greater interest shown lately in Britain to feast the eye with the recently transported specimens of the Ojibbeways from the shores of Lake Huron, than there was shown in Canada to witness the first Free Kirk man who perilled his all to plant the standard of ecclesiastical and civil freedom on the soil of Canada. And what is the general strain of the addresses of these Free Church men—to be imitated of course by those who separate themselves from the Synod of Canada in connexion with the Church of Scotland ? Free Church men, one after another, come to this comparatively infant and too much already distracted country, and indulge in the most inflammatory harangues, addressed, not to the reason, but to the prejudices and the passions of more than Presbyterians,—and seem to be anxious to leave on the public mind only this impression, that the Free Church of Scotland alone is right,—and that all parties who will not believe this are Erastians, and upholders of Erastianism and tyranny of the worst description. In connexion with this conduct, there is introduced, not a new, but a most alarming and dangerous doctrine,—the doctrine of non-responsibility for consequences. The practical application of this doctrine, both in Scotland and Canada, is, to throw the burning brand of contention and strife into the domestic and social circles,—to excite husband against wife, and brother against sister,—and immediately to retire from the scene with an appropriation to themselves of the Saviour's awful language, “ I came not to send peace on earth, but a sword ! ” Mr Bayne has referred to some parties who, in this controversy, have said, that while they would or might have been Free Church men in Scotland, they could see no occasion for division in Canada. Now, in reference to this notion, I solemnly declare that an Ecclesiastical Body which not only permits and sanctions, but ecclesiastically authorises and commands and pays for such work of incendiarism as Canada has for the last twelve months witnessed, is a Body which I could not feel myself at liberty to join,—because it is arrogating to itself the office of the supreme Lord of the Conscience, and doing the work of our common enemy, and all the more fatally doing it, on account of the assumption of high sounding spiritual freedom as

the only freemen of Christ. The Free Church delegates pass quickly along, and pass as quickly away, throwing into every accessible bosom and house the flame of ecclesiastical contention, in addition to that which a sinful nature and a most anomolous state of society already supply, and, rejoicing in the deed so quickly done, they exclaim, What have we to do with consequences? Leave consequences to God. I shall only express my hope that Free Churchmen may come, not individually, as heretofore, to Canada, but as a whole body, or in at least large bands, to see what species of fruits grow on the tree of ecclesiastical and civil insubordination, which they are at so much pains and expence in planting. Should they adopt this plan, it needs not much knowledge of this country to warrant the averment that half a century of the most zealous and christian exertion will scarcely suffice to undo the mischief which a few months only have seen perpetrated. But there are evils in Scotland, we all know. I do not believe the separation from the Church of Scotland (on the ground on which that separation took place) is the proper, constitutional, or christian remedy for those evils. A continued, orderly, and constitutional struggle *in* the Church, and not a *war of extermination out* of it, is, in my opinion, the course which ought to have been adopted. And, that there are evils in Canada, those who have lived in it a little while also know. But that the cure for our evils which the Free Church offers is directly calculated, though it may not be intended, to increase manifold those evils, not to remove them, I am daily more and more persuaded. The attempt to force on Canada a remedy which is too fondly assumed to be sufficient for the removal of the diseases of Scotland, is an attempt empirical, not wise. And the venders of it seem, like all quacks, to think that their success depends upon the unlimited freedom which they use in their advertisements with the character and the principles of all but themselves. In perfect accordance with this, we have to-day as before heard it stated—Both sides cannot be right,—one must be wrong, and the other right. I blackguard the Church of Scotland as Erastian—as without either a head or a heart ;—therefore I am right,—and the Church of Scotland and all its supporters are wrong. This is just another form of advertisements which we sometimes see,—concluding thus—“ Without the original inventor’s signature, none are genuine.”

It was my intention to have given explanations on this controverted subject, without assuming the form of a discussion or debate at all. I shall adhere as rigidly as possible to this my original intention. There are two or three things in Mr Bayne’s second address, to which I must for an instant advert. The “ See

how I have him here" sort of arguing is that which is usually monopolized by a certain species of lawyers—and let us be thankful that the opinion even of eminent lawyers is not law. Mr Bayne says that as I hold patronage to be an imposition by the state upon the church, I ought, as holding that opinion, to separate myself from the Church of Scotland, because therein she is, and I and I hold her to be, guilty of sin. Now, in this matter, as in every other, let us take a *radical* view of it. Let us go to the root of the matter. Patronage was found imposed by the state upon the church, when Mr Bayne was born and baptized—it was also so found imposed when Mr Bayne arrived at years of discretion, and when he voluntarily entered the church as a Preacher and a Minister; and if Mr Bayne's argument on this point be good, it is as clear as the sun, that he should never have entered the Church of Scotland as one of its ministers at all. Now, what have I said, and what do I still say on this point? Simply, that patronage is not a part of our Church's constitution—that it has been imposed by the Legislature—that what the Legislature has imposed the Legislature should be "*craved*" to take away—and that it is not reasonable to suppose that the Legislature will abolish it, unless asked to do so by the church herself—that the Veto Act of 1834 had the effect, though on the part of a few it was not intended; of making patronage a part of the church's constitution—that not only patrons but Dr. M'Crie, who was neither a patron nor a lover of patronage, were of opinion that the Veto Law would *indirectly*, though not openly, defeat, or take the sting out of patronage—that Dr. M'Crie, and therefore much more the patrons, were deliberately of opinion that it was not for the honour of the British Legislature to have its enactments *indirectly* set aside, instead of being rescinded by the proper authority. Had the church, either never having enacted the Veto Law, or repealing it, after the church had become convinced that it was impossible to move steadily forward in the performance of her work, and in her intercourse with the state, with that enactment on the statute book of the church, or still better, repealing it from the conviction that its being enacted by the Assembly of 1834 was a proof of unfaithfulness given by that Assembly to the Divine Head of the church, in the matter of the true liberties which He had given to the church, and which the state had frequently in past time guaranteed by statutory enactment,—had the church, the path being thus clear, her hands pure, and her cause strong, applied to the British Parliament for the abolition of an obnoxious statute, English, Irish, and Scottish members would only have required to

look to the statute book of the realm for the statute so described and so craved to be removed. This, I maintain, was not only the only legal, but the only proper, and the only Christian course. And for the church, commanding, scripturally and constitutionally, spiritual weapons only, to enter upon a course which was so faithfully predicted as one that must necessarily terminate in the meshes of legal chicanry, was not only unwise—but, on discovering that this was its termination, and that she had to struggle in those meshes with an enemy who fought with weapons different from her own,—for the church to struggle on in those meshes, with so fearful odds, and with a loss so tremendous to her purely spiritual character, was certainly fitted, as it has so sadly proved to be, to upset and confound all ideas of what is sacred and what is civil, and to revolutionize in fact every ecclesiastical and civil community in the world.

I object not, as Mr Bayne supposes, to the use of the word *Moderates*. Neither do I object to the use of the word *Erastian*. All I object to is the using of a word, without an explanation being given of its true meaning and application. While it is asserted that attempts have been made to *Erastianize* the Church in Scotland, I wish it to be in fairness and honesty asserted also that attempts are made to *Erastianize* the Church in America. I object not to Mr Bayne's informing the meeting that I spoke for an hour and a half—but, to be impartial, he should at the same time have informed you that he himself spoke for an hour and three quarters—and that in this over stepping of our very civil enactment, it was he that set before me the sinful example. and that in this matter he is not only the earlier but the greater sinner of the two.

If the Free Church delegates should find it necessary for the exoneration of their conscience, to come to this country and tell the wickedness of the civil courts in Scotland and England, and the still more enormous sins of the British Government, and the utterly vile and reprobate condition of the Church of Scotland, as without either a head or a heart, I use the freedom of thinking and saying that they should tell the truth, the whole truth, and nothing but the truth. Now, it is because this is not done, in the case of the Church of Scotland, that I feel persuaded that the people of this country are grossly imposed upon in this matter. Charges are advanced, insinuations are made, the love of freedom in this free country is passionately appealed to by men who tell us that they are the only representatives of the departing freedom and glory of the Church and State of Scotland ; and they seem

really to expect that we should throw away the little Protestantism that is left among us, and implicitly believe that what they tell us is true—merely because they tell us. This is what I object to ; and in proportion to the value which we place on the liberal amount of freedom which we here enjoy, should this peculiar mode of arguing and judging be objected to and resisted.

Mr Bayne spoke about pitching me out at the window if my sentiments uttered here to-day had been uttered in Scotland. I am here for the purpose of giving information. Now, I have uttered these very sentiments in the courts of the Church of Scotland ; and for uttering them I was not pitched out either by door or window. On the contrary, my moderate friends, although of course conscientiously disapproving of them, just as my excellent friend Mr Bayne conscientiously approves of them, listened to me with at least as respectful attention as Mr Bayne has on this occasion manifested. And I believe that although there is not in the Church of Scotland a constant and prodigious bluster about her freedom, yet she enjoys from her constitution a freedom at least as rational and useful as any church in any land of freedom can truly boast of. Moreover, the conviction which I always had, has not for the last four years (during which time my observation has been of the New World) been weakened—that it is not the very best proof that can be given of people's freedom that they are always talking and boasting of it.

I have already stated why it was that the collision between the church courts in Scotland and the courts of the state, and ultimately the state itself, took place. It was because of the enactment of the Veto Law, as deemed by patrons and presentees and others interfering with civil matters, over which the state has cognizance, that the great proportion of the cases about which you have all heard so much were tried and decided against the church courts by the courts of the state. But there is another set of cases, also tried and decided against the church courts—the principle of which I shall state—and all the more, because it is from the decisions pronounced under this class of cases, that Mr Bayne's favourite illustration of the thieves is derived. This illustration is a favourite not only with Mr Bayne, but with a class which I hope is a very limited one in Canada. Most of the Free Church delegates tell to their audience the story of a Minister of the Establishment who had adopted a very horrible trick of stealing, and this desire seems to have gone forth some time or other in the direction of some silver spoons. This story has become an immense favourite in several places which I have lately visited—so much so that just as it is with the theatre-loving portion of the

population, when some favourite piece has been performed, the actor is solicited to enact it again, so the Free Church actor who once tells it, is sometimes requested to "give again the story of the minister who stole the silver spoons!" I need not say what a proof we have here that from the charity which rejoiceth not in iniquity, our Free Church visitants seem to be unhappily free. The principle of this class of cases, of which Stewarton and Cambusnethan are instances, is this. The courts of the Church of Scotland have not only to decide on properly spiritual matters, but also on such secular matters as the Churches, Manses, and Glebes—and when a sentence of deposition has once been pronounced by a church court on any minister on account of his having by such court been found guilty of any spiritual offence deemed worthy of such punishment, the stipend or salary which he previously had ceases to be paid to him. Now, in 1834, [the very same year that the Veto Law was enacted, the Assembly of the Church of Scotland made a law regarding certain churches which were before that time called Chapels of Ease, and in one of which I was for a time a minister,—which law said that the ministers of those chapels, to be called henceforth Quoad Sacra churches, should sit, deliberate, and vote in all the courts of the church on all matters that might come before them, whether these matters might affect the sacred or the secular interests of the church. In the case of Cambusnethan, the case from which the favourite illustration about the thief is drawn—the minister of the parish was about to be deposed on proved charges of a very heinous character—and the minister, on the ground that there sat in the court which was about to pronounce judgment against him an individual who had no right to occupy a place in it as one of his judges—that, in fact, the court was vitiated by his admission according to the ancient principles of the constitution of the Church of Scotland, as well as in the eye of the law, applied to the civil court for an interdict to prevent the church court from pronouncing that sentence on the ground set forth in the application made for the interdict by the accused and convicted party. And what is the effect of such interdict? It is merely to stop further procedure in that case, until this question shall be tried, whether the Quoad Sacra minister, objected to, ought or ought not, according to the ancient constitution of the Church of Scotland, and according to certain statutes and regulations of the kingdom grounded on that constitution, to have a seat, as a judge in a church court, when that court is about to pronounce a sentence which must have not merely sacred but secular bearings and consequences.

According to our free constitution, when a party accused is at the bar, he has the right to challenge any juryman he pleases, and until his challenge is disposed of, the case cannot go on to final decision. The objection of the accused may be ill founded, but still it is his right ; and although were I the juryman objected to, which might have been my predicament in such a case in Scotland, I might naturally feel hurt at being so objected to and challenged, yet still I conceive I am not entitled honestly, either in argument or in fact, to raise throughout the empire the cry of my independence, or that of the church, being interfered with or trampled on by the tyrannical exercise of authority on the part of the state or its civil courts. And, if the promulgation of Truth throughout Britain and her Colonies be the object of the Free Church leaders and their delegates, how comes it that no explanation, rational and intelligible, is given of the origin of the ecclesiastical and civil disorders which the last few years have witnessed ? Whatever may be the motives which actuate them, and of these I presume not to judge, it is unquestionably obvious that the tendency of the misrepresentations and exaggerations of the inroads made on the church's independence, and the declamation about the protection by church courts and civil courts of thieves and drunkards, is to inflame the passions of our unsanctified nature ; and whether such conduct be fitted to advance the interests of the kingdom of Christ, I leave every honest christian person to judge.

I have shown that in both the sets of cases of interference by the civil courts with the decisions of the church courts, the ground was, alleged interference by the courts of the church with secular interests. When the decision of the church courts bore only on *sacred* interests, there was either no interference attempted or persisted in. As a proof of this, I read the decision of one of the Judges in Scotland, in the case of an appeal made to him by a parishioner, for interference against his Parish Minister, who, as Moderator of the Session, had refused him admission to the ordinance of the communion, and also administration of baptism to his child. As of old, on similar applications to the civil authority, the Judge said that was a case with which he had nothing to do, and Lord Cunningham assigns the grounds of his judgment as follows :

“ 1st, The case as stated by the pursuer himself on the record is purely a spiritual case, and as such it is one in which the Church Courts have an exclusive jurisdiction. Even on the supposition that the pursuer has acted wrongfully and maliciously, the redress of the pursuer lies not with this Court, but with the defender's

superiors, who, it must be presumed, will give such redress to the injured party, and inflict such punishment on the offending member, as is suitable to the case.

"2nd, There is no allegation on record to show that any civil interest or right has been injured by refusing to administer to the pursuer the religious ordinances to which the second and third issues relate. The refusal to administer religious rites communicated to the party himself, within the walls of the session-house, is not attended with any civil damage or forfeiture. It has not been so in Scotland, at least since the Revolution.

"But, however that may be, the refusal of religious ordinances in Scotland by any minister of any denomination, does not constitute a civil wrong. The Ministers of the Established church have an exclusive jurisdiction, by Statute, in all spiritual causes; and it seems equally clear that the ministers of other persuasions are equally protected at common law. They are all entitled to plead that they are amenable to their own superiors only, for any ministerial error or misfeasance which they commit, and that their constitution necessarily excludes any review of their official duty but by their own superiors.

"Should they refuse to redress, the injured party can get no remedy from the civil courts. In one view, the wrong is not estimable in money, while, in another, the civil courts have neither the right nor the means of reviewing the judgments of ecclesiastical tribunals, which may have proceeded on views and considerations that the civil courts are not competent nor qualified to enter into. If a party, therefore, can get no redress from the ecclesiastical superiors of a minister, by whom he has been refused ordinances (to whatever religious persuasion he may belong,) the matter is beyond the cognizance of the civil court. His only course is to leave a body which declines to admit him, and seek the communion of another sect.

"3d, The plea of the defender, in the present case, is greatly confirmed, and indeed rendered insuperable by the fact that the minister's refusal to administer the ordinances here was sanctioned and directed by the Kirk Session. No allegation is made that the defender gave any false information, or used any undue influence with the Kirk Session. This, therefore, rendered it the more incumbent on the pursuer to apply for redress on the matter of the ordinances refused, to the superior Church Courts, to which this Kirk Session is amenable."

This being a true history of the origin of the "collisions, contentions and litigations" of the Church of Scotland, I must have felt it my duty, had I been in Scotland, to regard that separation as unwarrantable, considering the real ultimate causes which produced it. Much more therefore do I regard Separation in Canada as unwarrantable, and fraught with evils of which parties in Scotland are not competent judges. I am here urged, because the Church of Scotland has sinned, in matters vital and fundamental, to come out from her and be separate. I am told that the Church of Scotland is a sinner,—and that therefore I must cut connexion with her. But to whom is this urgent entreaty

made? To me, a sinful man. And, whither shall I go if I dissolve connexion with the Church of Scotland? To the Free Church? Is the Free Church free from sin? I question much whether I, a sinner, could honestly go and claim connexion with a Body which was sinless. Shall I apply for admission to the 'Presbyterian Church of Canada?' But I feel myself in the same dilemma here as in the other case. Besides, were I, forgetting that I am myself a sinner, to make application to a supposed sinless Body for admission, should I not be regarded by all sober minded christians as in woful and dangerous ignorance of the warning voice of the King of Zion—"Pride goeth before destruction, and a haughty spirit before a fall?" And, does not this truth apply to professing Churches, as well as to individual men? But really, with regard to "the Presbyterian Church of Canada," I know nothing particularly sinless about the course on which that body has entered—neither know I anything particularly spotless about the composition of the forces which it has at command. I find one, for instance, a Student of the Secession, saying in June 1843, to a congregation of the Synod of Canada in connexion with the Church of Scotland, that had invited him to take the requisite steps for becoming their Minister, in the place of one who a little before had left them,—“that his conscientious scruples to do so were overcome by the consideration of the great probability that the Synod would identify itself with the Free Protestant Church of Scotland.” How many had joined the Synod, previously to July 1844, when the Separation took place in Canada, and how many sat and voted for the Separation, with the prospect of having their “conscientious scruples overcome” after this very extraordinary and extra Christian fashion, it is impossible for me to say. But I cannot but feel that what has been done once may be done again,—that what has been done in one case, may be done in the case of every one of this singularly constituted Body. I feel that as to doctrine and discipline, and everything else, there may be as many views as there are men in it.

As to pecuniary affairs—for Mr Bayne must, I see, have a dash at the secular as well as the sacred affairs of a church,—and no wonder, considering the notable example set before him in Scotland,—Mr Bayne alluded to some temporary salaries or donations given by the Church of Scotland to certain individuals,—and Mr Bayne very curiously concludes that these individuals held in fact a bribe for acting in a particular way. This style of arguing is quite of a piece with the declamation and exaggeration of the Free Church delegates and their imitators, about the Erastianism of the Church of Scotland, and the despotism of the State and its Courts of Law. But, what is the real state of the matter, with regard to temporary salaries and donations of small sums of money by the Church of Scotland to her Ministers in Canada? Mr Bayne has told a part of the story—let me tell the rest of it. The Church of Scotland holds by the scriptural doctrine that “the labourer is worthy of his hire,”—and neither the Free Church, nor the Presbyterian Church of Canada, has as yet publicly, through its Ministers at least, repudiated that scriptural doctrine. Does not the Free Church pay her Ministers for doing her

work in Scotland? Does not she pay her Delegates to Canada for doing her work here? Has not the Presbyterian Church of Canada her sustentation fund, out of which some of her Ministers at least urge that they should and must be paid? A rule which is good for such perfect bodies as these, cannot be so horribly bad as Mr Bayne represents, when applied to the Ministers of the Church of Scotland in Canada. But I have a little more to tell on this pecuniary matter. There was a certain number of Ministers, and Mr Bayne ranks among the number, who, up to July 1844, received a certain sum of money for doing the work of the Church of Scotland in Canada, and each of whom required to sign his name on receiving it, with the addition of the words—"Minister of the Church of Scotland." This money continued to be received for a considerable time after the discovery by those gentlemen that the Church of Scotland had become so vile a sinner. The question here seems, Were those gentlemen, while receiving the money of the Church of Scotland, and at the same time reviling her as the sinner, adorning the doctrine of the Headship of the Redeemer?

There is only one other point on which I can venture to ask indulgence for a moment to say a word. With regard to what Mr Bayne has justly said as uttered by many in reference to this controversy in Canada—that while they might have become Free Church men in Scotland, but that they could see no cause for separation here—I have already said that for the reasons I have stated, I never could adopt even this line of argument or of action—but I wish to show that although a separation has taken place among us, many of those who are now in its ranks had not at one time any idea of carrying the affair to such an extremity. Even my excellent friend Mr Bayne expressed and urged a desire, previous to the meeting of the Synod in July 1844, to a *moderate* course, as was manifest from a letter he wrote at that time to Mr Fordyce, of Fergus. His natural and laudable view of the matter was this: The Synod of Canada had sympathised with the majorities in the General Assemblies of the Church of Scotland, on the ground of their advocacy of the principles of non-intrusion and spiritual independence. This the Synod had done for several years up to 1842, inclusive. And, at their meeting in July 1843, after learning that the separation had taken place in Scotland two months before, the Synod solemnly expressed their thanks that they were not called on for themselves to take a step so extreme. But the Free Church leaders in Scotland, and their delegates to Canada, had thought and were determined that as there had taken place a separation in Scotland, so there must one be effected in Canada also. Ultimately, as we all know, this evil counsel, urged with such anathemas from Scotland, was, for alleged consistency's sake, taken up, pressed, and acted upon, by upwards of a score of Ministers in the Synod. But Mr Bayne, along with others, for some time at least were of opinion that the Free Church of Scotland, having got the sympathies and the monies of the people of Canada, should be therewith content. But at last they yielded. Scottish determination in Canada was too weak to resist newly imported Scottish

determination from Scotland. The certain consequences of the step here taken were disregarded. And, to vindicate the propriety of that step, so hastily and in my opinion so unwillingly adopted, the most extraordinary doctrines on many interesting and vital points are now circulated with alarming rapidity throughout this country, in which the elements of confusion were previously much more abundant than any friend of the church of Christ, or any lover of the peace of the community, could desire to exist. It is to be feared there are but few among us who, because of the divisions of the professing people of God, have great searchings of heart.

Dr Liddell having concluded—

Mr BAYNE begged a moment to explain two matters which Dr Liddell had brought against him as accusations. The first was, that he had received the money of the church since he accused her of having committed the sin that forced him to leave her. Now, he had not received a penny of the church's money, from the earliest moment at which, on Presbyterian principles, he was called to separate from her, viz since the Synod in Synod assembled had decided to adhere to the Church of Scotland; and therefore had not received a penny which in any way could be alleged as a sanctioning of her guilt. The other point was, that he was accused of having no intention of separating from the church up to a late period, but only sympathizing with the party who protested against the Erastian proceedings of that church; and his letter to Mr Fordyce was brought forward as a proof that such was his intention. Now, those who knew anything of the proceedings of the church at that time, knew that he [Mr Bayne] had brought in an overture in the Presbytery of Hamilton, the effect of which would have been to have disentangled us from both parties in the Church of Scotland, and that the Synod of Canada should have joined neither the Free Church nor the Residuary. Unhappily that overture was rejected; otherwise there would have been no division now in the Church of Canada; and it was to forward that object that the letter was written to Mr Fordyce. The rejection of the Hamilton overture had left him no alternative but to secede.

The CHAIRMAN now rose to dissolve the meeting, when the Rev. Mr McMILLAN moved a vote of thanks to him for his admirable conduct whilst presiding over the meeting.

Mr STRANG was highly obliged to his old friend, Mr McMILLAN, for the courteous way in which he had noticed his humble services. He must say, that he had been excessively delighted with the manner in which the congregation had conducted themselves during the discussion, and he earnestly trusted, that when they came to talk over the proceedings elsewhere, they would imitate the courtesy which the two Reverend Speakers had exhibited towards each other.

He then pronounced the benediction, and dissolved the meeting.

FINIS.

